REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/576/2022

Mrs. Sumitra Devi and Sanjay Kumar …… Complainant

Vs.

M/s MaaVindyavasani Developers …….. Respondent

For the complainant: Ms. Kriti Suman, Advocate

For the Respondent: Mr. Amit Singh, Advocate

Project:– RAINBOW RESIDENCY

PROCEEDING

16.01.2024 Hearing taken up. Ms. Kriti Suman, Advocate, appears for the complainant. Mr. Amit Singh, Advocate, appears for the respondent.

Learned counsel for the complainant submits that she has filed supplementary petition on 12.1.204 and a copy of which has already been served upon the respondent's counsel, to which the respondent's counsel agrees.

Learned counsel for the complainants raises three contentions (i) cancellation of booking by the respondent is unilateral in nature as cancellation was made without giving any intimation to the complainant, (ii) the cancellation process adopted by the respondent is in violation of Section 11(5) of the RERA Act, 2016 and Clause 8.3 of the Agreement For Sale dated 4.10.2020 & (iii) once the parties have acted on the terms of the Agreement which was signed by both the parties, subsequently the respondent cannot take plea that it was unregistered Agreement and hence the said plea taken by the respondent is invalid and unjustified. She also submits that since the respondent – company had held the principal amount of Rs.5,00,000/- of the complainants and earned economic benefit out of it, the respondent is liable to pay the interest applicable on the principal amount from the date of deposition to the date of refund. She also submits that the

Director of the Company during the conciliation proceeding on 23.1.2023 had assured to pay the interest on the principal amount from the date of deposition to the date of refund but the same was not refunded.

Learned counsel for the respondent requests for one month's time to file the last written notes of arguments in the matter in response to the supplementary petition dated 12.1.2024 of the complainant, which is allowed. He is directed to file the same within a month. In case of non-compliance, it would be presumed that the respondent has nothing to say further and an order will be passed on merit on the basis of material available on the record.

As agreed by both the parties, order is reserved.

Sd/-
S.D. Jha,
Member