REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/84/2022

Raju Kumar …… Complainant

Vs.

Neelkanth Solution Pvt. Ltd. ……. Respondent

For the complainant: Mr. Mukesh Kumar, Advocate

For the Respondent: Ms. Shreya Jha, Advocate

Project:– NEELKANTHA DINESH RESIDENCY

PROCEEDING

25.04.2024 Hearing taken up. Mr. Mukesh Kumar, Advocate, appears for the complainant. Ms. Shreya Jha, Advocate, appears for the respondent.

Learned counsel for the complainant submits that he has filed rejoinder dated 25.04.2024 to the counter reply dated 18.03.2024/01/042024 filed by the respondent and copy of which has already been sent by mail to the respondent, to which the respondent's counsel agrees. He further submits that the subject matter, which is pending before the Authority, is totally different than the matter pending before Hon'ble the Patna High Court and the Civil Court, Danapur. He also submits that the complainant paid Rs. 24,50,000/- to the respondent to purchase the flat in question, which has not been refunded. The description of the amounts, which are claimed to have been refunded by the respondent to the complainant as shown on page -7 of the counter reply dated 18.03.2024/01/042024, is virtually incorrect. However, he submits that he would seek instructions as regards the amounts given to the complainant through cheques as shown in the counter. He also submits that before cancellation of booking the respondent did not issue any valid notice and the cancellation of booking made by the respondent is virtually invalid in the light of Section 11(5) of the RERA Act, 2016.

Learned counsel for the respondent submits that the total amount paid by the complainant for the flat in question has already been refunded, as shown in her counter reply dated 18.03.2024/01/042024. She further submits that the matters pending before Hon'ble High Court and the Civil Court, Danapur, are connected with the matter pending before the Authority. She also submits as to why the complainant has filed this complaint after eight years of cancellation of booking and refund of money amounting to Rs.24,50,000/- to the complainant in the year, 2014.

The complainant is directed to seek instruction and file written submission whether the amounts paid through cheques by the respondent as shown in the counter reply have been credited to his Bank account and in support of the said fact he would enclose statements of relevant Bank account of that period. He would also state therein as to why the complainant has filed this complaint after eight years of cancellation of booking and refund of money in the year, 2014. He requests for three weeks' time to file the said submission, which is allowed. He is directed to file the same within three weeks with a copy to the respondent's counsel who will file reply within two weeks thereafter, wherein, she would state whether before cancellation of booking any valid notice was sent to the complainant. She would also state therein whether the case pending before Hon'ble the High Court and the Civil Court, Danapur, relates to the present case and in support of the same she would annex the supporting papers. In case of non-compliance by either of the parties, it would be presumed that he/she has nothing to say further in the matter and an order would passed on the basis of material available on the record. It is made clear that no further adjournment would be granted in this case.

Put up for hearing/order on 31.05.2024.

Sd/-
S.D. Jha,
Member