

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/275/2022

Asha Kumari

...Complainant

Vs.

M/s Rajgirh Developers Pvt. Ltd.

...Respondent

Project: Rajgir Vatika, Phase-1

10/05/2024

ORDER

Heard Mr. Gaurav Kumar, learned counsel for the complainant. The respondent is absent.

In short, the case of the complainant is that the complainant had purchased a piece of land admeasuring an area of 1200 sq.ft. bearing Plot No.C-0134 in the abovementioned project from the respondent. She after purchase of plot started to pay the consideration amount in respect of the plot on monthly basis to the respondent and she has paid Rs.1.75 lakh to the respondent for which money receipts were granted by the respondent. Thereafter the respondent executed the Agreement for Sale with the complainant on 22.11.2017. It is stated that the complainant approached the respondent for physical possession of the plot since last more than two years but the respondent has failed to deliver possession of the plot. She regularly contacted the respondent for handing over possession of the plot but false assurance was given by the respondent. Thereafter she sent a legal notice to the respondent for refund of the amount but the same has been returned undelivered. Therefore, she has prayed to direct the respondent to refund the principal amount of Rs.1.75 lakh with interest and compensation.

The complainant has placed on record the copy of the Agreement for Sale.

Perused the record. No reply has been filed by the respondent.

Today learned counsel for the complainant reiterates his submissions as made in the complaint petition and has prayed for refund of the amount with interest. He submits that the complainant has already sent a cancellation letter to the respondent with a copy to the Authority. He has also filed a copy of the Bank statement.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench so, in the interest of justice, order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the amount paid by the complainant in lieu of booking of the alleged plot, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.1.75 lakh to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India

as applicable for three years plus 2% interest from the date of booking till the date of refund within sixty days of issue of this order.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

With these directions and observations, the matter is disposed of.

Sd/-

Nupur Banerjee
Member