

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman
RERA/CC/1012/2020

Mr. Deepak Kumar Sinha

.....Complainant

Vs

M/s Maa Shakti Developers Pvt. Ltd.

.....Respondent

Project: “ Mas Shakti Complex”.

ORDER

14.12.2022

This matter was last heard on 29.11.2022.

The case of the Complainant is that he had booked Flat No. 504 in Maa Shakti Complex and deposited Rs. 5,00,000/- (Rs. Five lacs) against the consideration amount of Rs. 40,51,000/- (Rs. Fifty lacs and fifty one thousand only). However, due to some personal reason and financial issues, he sent a letter for cancellation to the company, but only Rs. 1,00,000/- (Rs. One lakh only) was refunded. Hence, this matter was filed online on 18.01.2020 for refund of the principal amount, interest as well as compensation.

The complainant has annexed a photo copy of the allotment letter dated 12.07.2016; a photocopy of the Agreement for sale dated 25.05.2018 and a photocopy of the letter of cancellation dated 13.12.2018.

The matter was earlier heard by the Adjudicating Officer, but it has since been transferred by him in view of the judgment of

the Hon'ble Supreme Court of India in the case of **M/s Newtech Promoters &Anr. Vs. State of U.P. &Ors.**

It appears from the records that a cheque for Rs. 51,000/- was received by the complainant on 02.03.2020. The order sheet of 27.01.2021 also mentions that the respondent had refunded Rs. 50,000/- against the amount deposited by the complainant.

The Authority also notes that the Respondent has not filed any reply and, therefore, it admits the claim of the complainant for the amount which is due to be refunded.

On the basis of the submissions of the complainant and the respondent, as mentioned in the proceedings, the Authority directs the respondent company and its Directors to refund the remaining amount of Rs. 3.49 lacs to the complainant along with interest calculated at the marginal cost of fund based landing rates (MCLR) of SBOI as applicable for three years plus two percent within 60 days only of the issue of orders.

The Authority also notes that the M.O.U. for agreement was entered on 25.03.2018 without the project being registered with the Authority. Suo motu proceedings under Section 59 of the RERA Act, 2016 may be initiated against the respondent for violation of Section 3 of the RERA Act 2016.

The complainant is at liberty to pray for compensation before the Adjudicating Officer.

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

Sd/-
(Naveen Verma)
Chairman