

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1125/2021

Abhishek Kumar

...Complainant

Vs.

M/s Grih Aarambh Developers Pvt. Ltd.

...Respondent

Project: - Sports City

ORDER

13 .06.2022

The matter was last heard on 10.02.2022 and was fixed for order on 7.3.2022. However, due to other preoccupations the Bench could not pass the order on that date.

The fact of the case is that the complainant had booked a 3bhk flat bearing no: 301, having super built up area of 1260 Sq. Ft. in the project Sports City on 24.02.2017 by making total payment of Rs.51,000 out of total consideration amount Rs.10,08,000. At the time of booking the promoter assured to start the construction of project within a month but he failed to do so. Even after 4 years the promoter failed to get the project registered with RERA, Bihar, so, the complainant sent an application dated 03.11.2021 through e-mail for cancellation of booking but still no refund has been initiated by the respondent. The complainant has filed the present case for refund of booking amount with interest.

The complainant has placed on record a copy of cancellation application dated 03.11.2021, copy of KYC, copy of money receipt no: 007 of Rs.51,000 issue by the respondent.

On last date of hearing, the complainant reiterated his prayer. The complainant alleged that the respondent has collected the funds from the complainant and other allottees and diverted the same.

The learned counsel for the respondent submitted that they are ready to make refund within three months in easy installments. The learned counsel further submitted that the company has also written to the complainants with a copy to the Authority requesting for details of the bank account in which the deposited amount is to be transferred. The learned counsel further submitted that they are not in a position to pay interest.

The Bench observes that after taking the booking amount, it was incumbent upon the promoter to refund the same immediately after they realized that they cannot continue with the project. Their stand that they cannot pay interest is not legally tenable under the provisions of the RERA Act, 2016 and the Bihar RERA Rules, 2017.

Having heard the submissions of both the parties the Bench hereby directs the respondent company and their Director to refund the principal amount of Rs.51,000/- to the complainant along with interest at the rate of marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three year plus one percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)