

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member
Case No. RERA /CC/116/2023

Shazia Hasnain

.....Complainant

Vs

M/s Aroma Developers Pvt. Ltd.

.....Respondent

Project: Tauheed Nagar City

31.07.2024

O R D E R

This matter was last heard on 02.05.2024 when the complainant's father was present and the respondent was absent. The matter was fixed for order, however, due to preoccupation of the Bench in other matters, order could not be pronounced on the date fixed.

2. Learned counsel for the respondent submitted that the respondent is ready to refund the principal amount of the complainant. The complainant submits that she has paid Rs. 3.66 lacs to the respondent for purchase of plot no. 1085 in Phase-III of the above project and sale deed was executed but in sale deed there is no mention of the plot number and in spite of repeated requests, the respondent has failed to rectify the plot number in the said sale deed and has also failed to refund the above amount. The respondent, as alleged, has neither delivered the possession of plot to the complainant nor rectified the sale deed nor appears before the Forum to settle the dispute amicably nor refunded the principal amount. The complainant wants refund of the money.

3. The father of the complainant states that she had booked one plot in Tauheed Nagar City and registry has already been done to some other plot which is distant away from the main road which is agricultural land. He is reluctant to take the plot that is why she wants to cancel its registry and she wants refund of money with interest. She has paid Rs. 3.66 lacs. He states that this project is not registered.

4. From the report of the registration wing it is found that the promoter has not applied for registration of the project Tauheed Nagar City. The complainant has booked plot no. 1085 of Phase-III of Tauheed Nagar City of Aroma Developers Pvt. Ltd. and paid full amount of 3.25 lacs by cheques. Further Rs. 35,000/- and Rs. 6,000/- were paid for registration and erection of pillars respectively i.e. Rs. 1,00,000/- vide receipt no. 503, Rs. 1,00,000/- vide receipt no. 501 and Rs. 1,25,000/- vide receipt no. 502 all dated 14.02.2011. That after a lot of persuasion by the complainant and her father for the registration of the booked plot, the Managing Director Md. Zakir Hussain executed the sale deed on 06.09.2011 without giving the complainant chance for prior check of the plot being registered and the developer transferred other land and not the plot no. 1085 booked. In the sale deed there is no mention of sub plot no. 1085 also. That two years back after a lot of persuasion the developer has shown the

transferred plot to her father which is isolated plot far away from the township being developed neither has internal connectivity nor exit facility and is not suitable for house construction as is surrounded by all four sides by agricultural land of different farmers. That after, her father has met many times Md. Zakir Hussain and every time he assured to rectify the injustice but till date no action has been taken to fulfil his commitment. Hence she wants refund of Rs. 3.66 lacs which is already paid.

The complainant has placed on record the copy of money receipts and the M.O.U.

Perused the record. Even after issuance of notice and summons, none has appeared on behalf of the respondent nor filed any reply.

On the last date of hearing the father of the complainant reinterred his submissions as made in the complaint petition and has prayed for refund of the amount with interest. The complainant has also requested for cancellation of registry.

The Bench notes that despite several opportunities the respondent has failed to file any reply, 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 submissions 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 Director to refund the principal amount of Rs.3.66 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.

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

Sd/-
Nupur Banerjee
Member