

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/1178/2021

**Akhilesh Kumar Singh Complainant
Vs.**

M/s Kabir Colonizer and Developers Pvt. Ltd.....Respondent

Project: Kabir Nagar

ORDER

25.05.2022

26.05.2022

This case was last heard on 18.05.2022.

The case of the complainant is that he booked plot no. E-362 and E-363 in the project Kabir Nagar on 16.12.2018 for total consideration of Rs.19,00,000 against which he paid total sum of Rs. Rs.10,36,667/- between 2018 to 2019 against the booking. Since, the respondent has not completed the registration process of the project and is also not refunding the booking amount till date the complainant has filed the present case for refund of paid amount along with 18% interest and compensation.

The complainant has placed on record a copy of various payment receipt against payment of Rs. 10,36,667/-Refund application dated 28.03.2021, booking application form dated 16.12.2018, and Aadhar card .

On the last date of hearing the learned counsel for the complainant submitted that execution of sale deed is still pending. He requested for execution of the sale deed. However as per the complaint petition the complainant has prayed for refund of the booking amount with interest and no amendment has been made by the complainant for the relief sought.

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

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA. Suo Moto proceeding may be initiated against the respondent company.

After considering the documents filed and submission made by the complainant, the Bench hereby directs the respondent company and its directors to refund the principal amount of Rs. 10,36,667/- 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 from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

Sd/-

Naveen Verma
(Chairman)