

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

**Case No: RERA/CC/1191/2021**

**Preeti Kumari**

**...Complainant**

**Vs.**

**M/s. Ghar Lakshmi Buildcon Pvt. Ltd.**

**...Respondent**

**Project: Ghar Laxmi Milestone**

**06.05.2022**

**ORDER**

This matter was last heard on 27.04.2022

In this matter filed under section 31 of the Real Estate (Regulation and Development) Act, 2016, the complainant states that she had booked a flat bearing no 306, 3<sup>rd</sup> floor, Block- C in the project Ghar Laxmi Milestone for a total consideration of Rs.11,00,000/-. She has paid Rs.1,50,000 in 2016 and further paid total amount of Rs.4,00,000 at the time of execution of Agreement for Sale on 18.01.2020 wherein it was mentioned that the said flat would be deliver the same within or on 09.01.2021. However, the promoter did not hand over possession of the flat. Therefore, the complainant has filed this case and prayed for possession of the flat and interest over the total consideration amount for the delay every month.

The allottee has placed on record copy of agreement for sale dated 18.01.2020.

On 10.04.2022 the learned counsel for the promoter has filed written statement stating therein that the entire amount of Rs.5,50,000/- would be transferred in the account of the complainant for which the promoter has issued six cheques on different dates mentioning the post-dated cheque to the complainants.

On hearing dated 20.04.2022 the learned counsel for the complainant submitted that the complainant wants refund of the paid

consideration with interest. He further submitted that the cheques were handed over to the complainant regarding the refund of the amount but cheque got dishonoured and requested to direct the respondent to refund the deposited amount with interest.

The learned counsel for the respondent had submitted that they were ready to refund the paid consideration within three months.

The Authority notes that the cheque for the first installment the cheque given by the respondent has not been honoured. The Bench recalls that on the last hearing a cost of Rs.5,000/- was imposed upon the respondent, however, it seems that cost amount has not been deposited by the respondent and same shall be recoverable as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21- Rule -30 of the Code of Civil Procedure, 1908.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the amount of Rs. 5,51,000/- deposited 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 years plus one percent from the date of taking the booking within sixty days of issue of this order.

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

**Sd/-**  
**Naveen Verma**  
(Chairman)