

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member**

Case No: RERA/CC/206/2023

Neha Kumari

...Complainant

Vs.

M/s Chanakaya Reality Pvt. Ltd.

...Respondent

Project: Chanakaya City

11/06/2024

ORDER

The matter was last heard on 14.05.2024, when the complainant was present and the respondent was absent.

In short, the case of the complainant is that the complainant had booked a 2-BHK flat bearing Flat No.305, Block-C in the project Chanakaya City in December, 2020 and she had paid Rs.21,000/- as booking amount and Rs.3,000/- for preparing agreement paper for Bank Housing loan. Thereafter she had also paid Rs.2.50 lakh to the respondent. In this way, she had paid total Rs.2.74 lakh but after lapse of several years the agreement has not been made. It is stated that despite several requests, the respondent has not entered into agreement for sale with her. Thereafter she had requested the respondent to return the total amount paid but they have still not returned the said amount. Therefore, she has prayed to direct the respondent to refund the principal amount of Rs.2.74 lakh with interest and compensation.

The complainant has placed on record the copy of the money receipts, a letter dated 25.11.2022 sent to the respondent for refund of the entire amount and the reminder letters dated 02.12.2022, 09.12.2022 and 16.12.2022.

Perused the record. After issuance of summons, Mr. Mantu Kumar, the promoter has appeared on 18.03.2024 but he has not filed any reply.

On the last date of hearing the complainant reiterated her submissions as made in the complaint petition and has prayed for refund of the amount with interest. The complainant has already sent a cancellation letter to the respondent with a copy to the Authority.

The Bench notes that despite several opportunities the respondent 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 submission made and considering that the respondent has taken the economic benefit of the amount paid by the complainants in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.2.74 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.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

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

Sd/-

Nupur Banerjee
Member