

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

RERA/CC/343/2019

Manoj Nandan PrasadComplainant

Vs

M/s Vision Land Pvt. Ltd.Respondent

Project: Vision Polaris.

16-08-2022

ORDER

The matter was last heard on 28-06-2022.

The case of the complainant is that he booked a flat bearing flat no. A-202 in the project Vision Polaris and an Agreement for Sale for a total consideration amount of Rs.34.25 lakh was executed on 21-10-2011. He submitted that he had paid Rs.15,18,258/- and while possession was assured to be given in Dec, 2013, only 25% work has been completed in last 8 years in the project. The promoter has not even given the completion plan of the building with full amenities. Hence this complaint has been filed seeking relief to submit completion plan of the project and possession date. He further also prayed for interest for delay in handing over possession and adjustment of the interest amount against the cost of flat.

The complainant has placed on record money receipts duly issued and acknowledged by respondent along with Agreement for Sale.

Perused the record of the case. No specific reply has been filed by the respondent. However, learned counsel for respondent Mr. R.K. Srivastava along with Mr. Harsh Kumar Singh, M.D., who have appeared during the hearing have not refuted the amount claimed to have been paid by the allottee.

During the last hearing on 28-06-2022, learned counsel for

the complainant referred to the directions given for refund during the course of hearing held on 1.7.2021, and stated that the promoter has not complied with the direction of the Authority for refunding the paid consideration within one fortnight of the order.

The respondent during the last hearing had submitted that they are ready to refund the paid consideration within a reasonable period.

The Bench recalls that on the last hearing a penalty of Rs.50,000/- was imposed upon the respondent, however, it seems that 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 the perusal of case records and, submissions made the Bench directs the complainant to make a written request for refund of the amount deposited. The Bench recalls that in a number of matters pertaining to the same project, the promoter has been directed to give a firm time schedule of completion of the project with all its amenities.

In view of the submission of the allottee, the Authority directs the respondent company and its Directors to refund the paid consideration of Rs.15,18,258/- to the complainant along with interest on the total paid consideration at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus seven percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
Chairman