

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Case No. CC/552/2021**

**Sadhana .....Complainant**

**Vs**

**M/s Anu Anand Construction Pvt. Ltd .....Respondent**

**Project: Mohinder Villa**

**Present: For Complainant: In Person**

**For Respondent : Rakesh Roshan, Advocate**

**INTERIM ORDER**

**27/07/2022**

The matter was last heard on 13-06-2022.

This complainant has been filed seeking relief to direct the respondent to refund the remaining money with interest and compensation.

The case of the complainant is that complainant had booked a flat bearing flat no.305 in the project Mohinder Villa of the respondent company and had paid Rs.13 lakh. He further submitted that despite the registered Agreement for Sale dated 12-06-2010, the respondent did not give him the possession of flat and cancelled his booking without any reason. He further submitted that till date respondent has refunded only Rs.8.40 lakh, excluding Rs.3.60 lakh which was given by respondent as room rent before the cancellation of flat. He further submitted that on many occasions, he tried to reach before the respondent about balance amount but till date, it has not been paid. Hence, he filed present complaint.

Respondent has filed their reply stating that cancellation was mutual and till date respondent has refunded Rs.18 lakh which includes refund with compensation.

During the last hearing on 13-06-2022, complainant has filed time petition and was absent. Learned counsel for the respondent has submitted that they filed a supplementary counter affidavit that for the present case will not stand because the complainant paid Rs.16 lakhs but the respondent company has refunded Rs. 18 lakhs. This is an admitted fact that she got till date Rs.18 lakhs. Nothing

remains to be paid. The booking is of the year 2017 and she cancelled the booking in 2017 with all the supporting documents.

The Bench notes that complainant has not filed any documents in consonance to last hearing direction.

After the perusal of documents placed and submissions made, the Bench in view that no supporting documents has been brought on record which substantiate the submissions of respondent regarding making of refund of Rs.18 lakh to complainant. Hence, Bench directs respondent to address the court on the same and file the supporting documents in respect to submissions made regarding refund of 18 lakh to complainant.

Let, list the matter again on 17-08-2022 and accordingly inform both the parties. Further, the Bench directs complainant to file their submission in respect to the submissions of respondent regarding the refund of amount of Rs.18 lakh.

Sd/-

Nupur Banerjee  
Member