

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

Case No: RERA/CC/65/2023

Priyadarshani

...Complainant

Vs.

M/s Ashirwad Engicon Pvt. Ltd.

...Respondent

Project: IOB Galaxy, Phase-II

23/07/2024

ORDER

The matter was last heard on 05.07.2024, when the complainant was present. Mr. Ishtiyaque Hussain, Advocate appeared on behalf of the respondent.

In short, the case of the complainant is that the Agreement for Sale was made for proposed 3-BHK deluxe flat of 1370 sq.ft. Super built up area/ 950 sq.ft. Carpet area with parking space in the said project on October, 2014 and the complainant had made total payment of Rs.5,69,931/- through different modes but the builder failed to handover the possession of the flat even after eight years of booking. She visited several times at the work site and the office to know about the progress but no positive response has been received from the builder to handover the flat. Therefore, she has prayed to direct the respondent to handover the possession of the flat as soon as possible.

The complainant has placed on record the copy of the Agreement for Sale and the money receipts.

Perused the record. Learned counsel for the respondent has appeared and submitted that the respondent is ready to refund the principal amount with interest.

On the last date of hearing the complainant has prayed for refund of the amount with interest for which the complainant has already sent a cancellation letter to the respondent with a copy to the Authority on 16.05.2024. She has also filed a hard copy of the said cancellation letter on 05.07.2024. .

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.5,69,931/- 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.

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

Sd/-
Nupur Banerjee
Member