

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Telephone Bhavan, Patel Nagar, Patna-800013.

Before the Single Bench of Mr Naveen Verma, Hon'ble Chairman

Case No. CC/263/2021

Raj Mohan Jha.....Complainant

Vs

M/s Technoculture Building Centre Pvt Ltd.....Respondent

Project: UdhayamVihar, Maner

ORDER

7-2-2022 The matter was last heard on 21-1-2022.

The case of the complainant is that he booked a unit K-24 in UdhayamVihar Maner at the rate of Rs. 350 per sq.ft and an agreement to sale was executed on 14-08-2012. The complainant has deposited Rs. 87,500/- on 2-10-2012, Rs.60,000/- on 03-11-2012, Rs. 1.4 lakh on 08-12-2012 and all the payments were made through the cheques and Rs. 1.33 lakhs was paid on 14-05-2013 by way of demand draft and Rs. 29,500 in cash, total amounting to Rs 4.50 lakhs and on 14-5-2013 the absolute sale deed was registered as deed no 6027. That it has further been stated that as per the agreement the respondent company was to hand over the possession of the unit after marking boundary but when the complainant visited the site, he learnt that the land was not registered by the land owner to the respondent company. The complainant has alleged that when the respondent company was apprised of the said fact, the respondent company assured him that the amount of Rs. 4.50 lakhs would be returned to him.

Hence the complaint has been filed praying for directing the respondent company to refund the total amount of Rs. 4.50 lakhs (Four lakh fifty thousand only) with statutory interest till the date of payment along with litigation cost to the complainant and punishment in accordance with RERA Act .

The complainant has placed on record agreement for sale dated 14-8-2012, copy of money receipt dated 3-11-2012 for Rs. 60,000/-, money receipt dated 2-10-2012 for Rs. 87,500/-, money receipt dated 05-04-2013 for Rs. 1,33,000/-, money receipt dated 18-12-2012 for Rs. 1.40 lakhs, copy of sale deed dated 14-5-2013, copy of mutation order and receipt.

No reply has been filed by the respondent company but the learned counsel for the respondent company was present on all the dates of hearing and has not challenged the averments meaning thereby the facts are being admitted.

During the course of hearing, the learned counsel appearing on behalf of the respondent company submitted before the Bench that the matter has been settled between the parties and prayed for time up to first week of November 2021 to refund the amount. The respondent company was further directed by the Bench of Sri R.B. Sinha, Member to refund 50% of the total amount including the principal amount along with the interest by 25th October 2021 to the complainant and rest 50% within one month from the date of payment of the first installment.

The Bench notes that the respondent company has returned the entire principal amount except Rs. 29,500/- as orally submitted by the complainant.

On the last date of hearing, the learned counsel for the complainant submitted that payment of Rs. 29,500/- was made in cash for which no receipt has been provided by the respondent. The learned counsel for the complainant further submitted that the Law Officer of the company had committed to make refund the amount of Rs. 29,500/- to the complainant.

The learned counsel for the respondent company refuted this and that the Law Officer after checking the records did not find any record of Rs. 29,500/- remaining to be paid by the respondent company. He further stated that the respondent company do not deal in cash, but nevertheless, they have checked their records and have not found any payment of the said sum.

The learned counsel for the respondent company also submitted that the company is ready to refund the amount of Rs.29,500/- provided receipt is furnished by the complainant.

Having heard the submissions of both the parties, and the fact that the complainant has admitted that he is not in possession of the money receipt of Rs.29,500/- paid by him in cash and the offer of the respondent to refund the said amount provided receipt is furnished by the complainant, the Bench feels that no further directions are required to be issued to either of the parties at this stage in the absence of any evidence regarding such payment.

Therefore, the matter stands disposed of.

Sd/-
Naveen Verma
Chairman