

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
Telephone Bhavan, Patel Nagar, Patna-800023.**

Before the Bench of Mrs. Nupur Banerjee, Member

Complaint Case No. CC/738/2021

Sheela Devi.....Complainant

Vs

M/s Kabir Colonizer & Developers Pvt Ltd...Respondent

Project: Kabir Nagar, Patna

**Present: For Complainant: Mr. Umashankar Prasad, Advocate
For Respondent: Mr. Mohit Raj, Advocate**

08/04/2022

ORDER

The complainant Sheela Devi, residents of Kaushalya Sadan, Postal Park, Patna has filed complaint petition on 19-07-2021 against the respondent company M/s Kabir Colonizer & Developers Pvt. Ltd. for possession of the land and registry.

The complainant in their complaint petition dated 19-07-2021 has submitted that she booked plot of land bearing plot no. E354, admeasuring 1350 sq.ft. along with her son who had also booked in Kabir Nagar project launched by M/s Kabir Colonizer & Developers Pvt. Ltd. situated at Birpur, Naubatpur, Patna. She further submitted that she had paid total amount of Rs.6.50 lakh out of total consideration amount of Rs. 9 lakh and only two installments are left to be paid. She further submitted that she stooped the payment of remaining installments due to delay in handing over the possession of plot booked by her son.

She further submitted that she is ready to pay the remaining installments under the direction of Authority and requested to direct the respondent to immediately hand over the possession and execute registration.

On 31-01-2022, complainant has filed petition stating therein that she want the refund of money paid and attached the payment details along with money receipts issued by the respondent company.

The complainant has placed on record money receipts dated 31-10-2020 for Rs.1 lakh, dated 22-02-2020 for Rs.50,000/-, dated 11-10-2019 for Rs.1 lakh, dated 02-02-2019 for Rs.1 lakh, dated 12-06-2018 for Rs.2 lakh, dated 21-07-2018 for Rs.1 lakh, totaling to Rs.6.50 lakh, issued by the respondent company in respect to payments made. Further, the complainant has placed on record Agreement for sale dated 13-06-2018.

The respondent has not filed any specific reply in this case. However, Learned Counsel for the respondent company remains present during the course of hearing and made submissions on the behalf of respondents.

During the last hearing on 24-01-2022, learned counsel for complainant had submitted that on 29-11-2021 hearing, the respondent was directed to go for amicable settlement but it appears that respondent is not interested in it and want to linger the issue. He further submitted that complainant has paid Rs.6.50 lakh and has prayed for refund of the deposited money.

Learned counsel of the respondent had submitted during the course of last hearing that the complainant want possession of plot and amicable settlement for

which they (the respondent) tried but now the complainant has changed their claim and now want refund. However, respondent is ready to make refund to the complainant.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.6.50 lakh (Six Lakh Fifty Thousand) to the complainant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of deposit to 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**