

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveem Verma, Chairman
& Mrs. Nupur Banerjee, Member
RERA/CC/757/2020

Vikash Kumar Raj

.....Complainant

Vs

**M/s Adharshila Housing Buildcon Pvt. Ltd./ M/s Green Ghar Infrastructure
and Construction Pvt. Ltd.**

.....Respondent

Project: Central City.

12.12.2022

13.12.2022

ORDER

This matter was last heard by the Double Bench on 24.05.2022 and was fixed for orders on 28.06.2022. However, the record was inadvertently misplaced, and hence the order could not be pronounced. Subsequently, by mistake, this matter was put up along with other old cases before the Single Bench on 18.11.2022. Thereafter, the matter was ordered to be listed before the Double Bench.

The case of the complainant is that he had booked a simplex house in Central City Adharshila Housing Buildcon Pvt. Ltd., which according to him, has been now renamed as Green Ghar Infrastructure Construction. He has filed the matter seeking possession of his housemaking Sri Shahid Ahmad as Respondent.

The complainant has filed the application of Central city of Adharshila Housing Buildcon and the receipts given by Adharsila Housing Buildcon. This matter was earlier heard by Shri R.B.Sinha, Member, RERA. Shri Shahid Ahmad had submitted that while he was Director of the M/S Adharshila Housing Buildcon Pvt. Ltd. but he resigned in the year 2016. It was also submitted before the Authority that there was a dispute between the two Directors, Shri Shahid Ahmad and Shri Anup Kumar and after negotiation, the present project was

handed over to the former. The matter was later heard by Full Bench, which had disposed of the matter. Subsequently an appeal was filed before the Appellate Tribunal and the matter was remanded to the Authority. Then the matter was heard by Double Bench on 7.4.2022 and on 24.5.2022 and finally on 12.12.2022.

The learned counsel for the Respondent Shri Shahid Ahmad had submitted that all the payments were made to the respondent company and the money receipts have been issued by the Adharshila Housing Buildcon Pvt. Ltd. and that no agreement was executed between complainant Shri Shaheed Ahmad and the Green Ghar Infrastructure etc. he reiterated that the learned counsel for the Respondent company Adharshila Housing Buildcon Pvt. Ltd. had submitted on 24.05.2022 that he is ready to refund the amount along with interest as the project has been dropped .

The complainant is present along with his counsel. He submits that he had paid Rs 3.00 lakhs against the project. Perused the records. The documents filed by the complainant reveal that the cost of project was Rs. 24.25 lakhs against which money receipts showing payment of Rs. 2.50 lakhs have been annexed. The complaint petition does not mention the amount paid by him but has sought possession of his house. However, the payment of Rs 3.00 lakhs made by the complainant has not been challenged and is, therefore , admitted.

The learned counsel for the respondent company submits that that Shri Anup Kumar, Director of the company has filed an affidavit stating therein that after the dispute among the Directors of the Respondent Company the project in Darbhanga and Patna were assigned to Shri Shahid Ahmad, Director of the Company, therefore, he is concerned with the project.

The Authority takes note of the submissions made by the learned counsel for the respondent company on 24.05.2022 that the project has been dropped and that they would refund the money. The Authority notes that no written submission has been made by the Respondent company for making the refund. However, the learned counsel present during hearing submits that he is willing to refund 50% of the amount taken from the complainant.

The case of the Respondent Shahid Ahmad is that he had resigned on 30.04.2016 and that money received by the Director was

transferred to all the companies and, therefore, the company is liable to make the refund is a matter to be settled by the competent court. In so far as the RERA Act, 2016 is concerned , the respondent company and its Directors, past and present are liable to make the refund. Shri Shahid Ahmad, Ex-Director has to share the responsibility of refunding the deposit in view of the provision of section 59 of the RERA Act, 2016.

Taking in view the submissions made by the Respondent Company that the project has been dropped, the Authority hereby directs the Respondent company and its Directors, past and present to refund the principal amount of Rs 3.00 lakhs deposited by the complainant along with interest at the marginal cost of fund based lending rates of SBI as applicable for three years plus 3% from the date of booking till the date of refund within 60 days of the issue of the order.

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

Sd/-
(Nupur Banerjee)
Member

Sd/-
(Naveen Verma)
Chairman