

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/777/2021

Baidya Nath Sharma

...Complainant

Vs.

M/s Prasambi Design and Construction Pvt. Ltd. ...Respondent

Project: - Prasambi Saryug Vihar

Present: For Complainant: Mr. Amresh Kumar, Advocate

For Respondent: None

ORDER

22.04.2022

The matter was last heard on 13.04.2022.

The facts of the case are that the complainant had booked a flat bearing no: 501 having area of 980 Sq. Ft. in the project and Agreement for sale was executed on 10.11.2014 between the both parties. The complainant has stated that the total consideration amount of the flat was Rs.30,00,000/- against which he has paid Rs.11,00,000/- to the respondent company. The complainant further stated in his complaint that the respondent assured that the project will be completed in June, 2017 . However the respondent entered into an performed agreement for sale with another person for the same flat i.e. Flat No: 501 and who has taken loan from the HDFC Bank and due to non-payment of loan amount the said bank has taken possession of the flat .Thereafter respondent orally denied to give the possession of the flat to the complainant and returned deposited money in installment on different date i.e. Rs.5,00,000 on 20.02.2021, Rs.10,000 on 20.04.2021, Rs.1,90,000 on 22.04.2021 and Rs.4,00,000 on 24.06.2021 in Total Rs. 11,00,000 has been paid to the complainant but without interest. Therefore, the complainant

filed this matter and has prayed for refund of booking amount along with interest and compensation.

The complainant has placed on record a copy of Agreement for Sale dated 10.11.2014 and possession notice issued by HDFC Bank dated 27.12.2018.

Perused the record, No reply has been filed by the respondent company.

On last date of hearing the learned counsel of the complainant reiterated his prayer.

After considering the documents filed and submissions made by the learned counsel of the complainant, the Bench hereby directs the respondent company and their Directors to refund the interest of principal amount i.e. Rs.11,00,000 /- 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 plus three percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

Sd/-
Naveen Verma
(Chairman)