

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mrs. Nupur Banerjee, Member

Case No. CC/835/2021

Mr. Ved Ranajan Sharma.....Complainant

Vs

M/s Patligram Builders Pvt. Ltd.....Respondent

Project: Kingdom Phas-1

For Complainant: Mr. Sunil Kumar, Advocate

For Respondent : None

ORDER

13/07/2022

The matter was last heard on 21-06-2022.

The case of the complainant is that he had booked a flat bearing flat no.11, measuring 1543 sq.ft. on 18-06-2017 in the project Kingdom Phase-1 of the respondent company for the total consideration amount of Rs.43.20 lakh and out of which he had paid Rs.2 lakh as advance amount. He further submitted that no work has been started at the project site till date and neither the respondent has refund the paid amount. He further submitted that once the promoter has given a cheque dated 10-02-2020 of Rs.2 lakh but same has got dishonored twice . Hence, this complainant is filed seeking relief to direct the respondent to refund the principal amount along with 20% compound interest.

The complainant has placed on record money receipts duly acknowledged by the respondent.

Perused the records of the case. The Bench observes that neither any reply has been filed by the respondent nor the respondent has appeared during the course of hearing despite notice dated 03-06-2022 was issued to respondent, therefore, the ex-parte order is being passed.

During the last hearing on 21-06-2022, learned counsel for the complainant has submitted that the complainant deposited Rs.2 lakhs to the builder on 18.06.2017 and booked a resort and the period of delivery of the same was three years but there is no progress of construction at the site. He has

contacted the builder but he has taken on pretext or another. Admittedly there is no progress in the construction. He has demanded to refund the amount. Thereafter they have instructed him to submit an affidavit for refund of the money. He submitted an affidavit on 10.07.2019. Thereafter they issued a cheque of Rs.2 lakhs on 10.02.2020 but it is dishonored due to insufficient fund. Again on 18.03.2020 the complainant submitted the cheque in the Bank but again it got dishonored. He wants refund of the money with interest.

The Bench observes that the application of registration of Project “Kingdom Phase-1” has been rejected by the Authority by order dated 25.09.2021 and Suo-Moto proceeding had already been initiated vide S.M. Case No.100/2018 and vide order dated 28-01-2019 an interim order was also issued.

In the light of submissions made, perusal of case records and considering that the application for approval of project is already rejected by the Authority and complainant has prayed for refund, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.2 lakh (Two Lakh) 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 two years from the date of taking the booking within sixty days of issue of this order.

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

Sd/-

Nupur Banerjee
Member