

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/94/2023

Anushri Barman

...Complainant

Vs.

M/s Swans Green Buildwell Pvt. Ltd.

...Respondent

Project: ECO Village

22/07/2024

ORDER

The matter was last heard on 11.06.2024, when Mr. Ashutosh Kumar, the husband of the complainant was present. The respondent was absent.

In short, the case of the complainant is that the complainant booked a plot bearing Plot No.143 in the said project on 22.10.2020 and paid Rs.3.00 lakh to the respondent. The respondent has not fulfilled his commitment of demarcation of plot till date nor refunded the money with interest even after many reminders. After much persuasion, he returned Rs.2.00 lakh. She approached several times but they have not replied. Therefore, she has prayed to direct the respondent to refund the remaining principal amount of Rs.1.00 lakh with interest and compensation.

The complainant has placed on record the copy of the Agreement for Sale dated 01.02.2021.

Perused the record. No reply has been filed on behalf of the respondent.

On the last date of hearing i.e. on 11.06.2024 the husband of the complainant submitted that he has paid Rs.3.00 lakh for booking of plot in the ECO Village but he has not received the plot till date. He submitted that after much persuasion ultimately he got refund of the principal amount of Rs.3.00 lakh but he has not received the interest on the principal amount. Therefore, he has prayed for interest on the principal amount and compensation..

The Bench notes that despite several opportunities the respondent failed to file any reply, so, in the interest of justice, order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the amount paid by the complainant in lieu of booking of the alleged plot, the Bench hereby directs the respondent company and its Directors to pay interest on the principal amount at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund within sixty days of issue of this order.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

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

Sd/-
Nupur Banerjee
Member