

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

Case Nos. RERA/CC/1048/2021

Parth Sinha

...Complainant

Vs.

M/s Sai Shrinkhala Developers Pvt. Ltd.

...Respondent

Project: - Shubh's Sai Sidheshwar Dham

ORDER

10.06.2022

11.06.2022

The matter was last heard on 06.05.2022.

The case of the complainant is that the complainant had booked a Bungalow bearing no: B-03 admeasuring 1535 sq. ft. in the project and Agreement for sale was executed on 15.07.2017 between both the parties. The complainant has stated that against the total consideration of the flat of Rs. 50,58,500/- he has paid Rs. 45,11,700/- to the respondent. Although the respondent had assured to hand over the possession in 3 years but they failed to start the construction of the project. Hence the complainant has filed the matter for refund of paid consideration with interest.

The complainant has placed on record Agreement for Sale dated 15.07.2017.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent executed agreement for sale without registering the real estate project with RERA, Bihar. Suo Moto proceeding may be initiated against the respondent company.

The Bench notes that despite issuance of notice dated 19.04.2022, the respondent failed to appear and file their reply.

On several occasions the learned counsel for the complainant reiterated his prayer for refund.

The Bench notes that the complainant has mentioned that they have requested for refund . He ought to have sent the letter for cancellation of his booking to the promoter and approached the Authority only after the promoter had failed to respond to such request. However, since the matter was taken up for hearing , orders are being passed.

After considering the documents filed and submissions made by the learned counsel of the complainant, the Bench hereby the directs the respondent company and their Directors to refund the paid consideration i.e. Rs. 45,11,700 /- 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 one percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

**Sd/-
Naveen Verma
(Chairman)**