

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/1369/2020

Rakesh Kumar Triyar

.....Complainant

Vs

M/s Adharshila Housing Buildcon Pvt. Ltd.

....Respondent

Project: Central City Aaron

08/06/2022

ORDER

Hearing taken up. Learned Counsel, Mr. Shyam Nandan appears on behalf of the complainant. The respondent is absent.

This matter was last heard before the Full Bench and was put on for orders on 7.9.2021 but the order could not be passed

The learned counsel for complainant submits that he had filed the matter for possession as he was waiting for 7years and 6 months but subsequently took refund of his deposit. The complainant has paid Rs. 4,51,575/- and the respondent has refunded the said amount. The learned counsel for complainant requests interest on paid consideration. On the issue of transfer of land back to the promoter the learned counsel submits that it never belonged to the respondent so how can he register the deed of conveyance.

Perused the records. On the last occasion , the learned counsel for respondent had submitted that the plot continues to be registered in the name of the complainants and mutation has also been done. The respondent counsel had submitted that as per the direction of the Bench the respondent has refunded the principal amount to the complainants.

The Bench observes that the complainants cannot keep the land and also get the money back and they should have transferred the land in question. The argument that the land never belonged to the respondent does not hold as the latter had executed the deed in his favour after which mutation was done. Admittedly the complainant paid some money to the respondent and got the land registered , but it is strange that after and having got the money refunded by the intervention of the Authority he is not willing to surrender the land.

The petition was filed for handing over the possession but admittedly, the complainant has received the principal amount. The complainant is directed to execute the Deed of Conveyance for transferring the land to the respondent. After the deed of transfer has been registered , the respondent company and its Director are directed to pay interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for

three year or more plus 4 percent on the paid consideration of the complainant from the date of taking the booking within sixty days of issue of this order.

With these observations and directions the matter is disposed of.

Sd/-

**Naveen Verma
Chairman**