

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mrs. Nupur Banerjee, Member

Complaint Case No. RERA/CC/532/2021,

Tarkeshwar Pandey.....Complainant

Vs

M/s Aryavart Life Spaces Pvt. Ltd.....Respondent

Project: Aryavart Greens

**Present: For Complainants: Mr. Chandan Kumar,
Advocate
For Respondent: Mr. Mohit Raj, Advocate**

23/05/2022

ORDER

The matter was last heard on 11.04.2022 and posted for Order on 26-04-2022. However, due to unavoidable reason, the Bench could not pass the order on 26-04-2022.

The complainant Trakeshwar Pandey, Resident of Ojhawalia, Parasia ,Dist.- Buxar has filed complaint petition on 08-06-2021 against the respondent company M/s Aryavart Life Spaces Pvt. Ltd. for refund of the deposited money with interest and compensation.

The complainant in his complaint petition dated 06/06/2021 have stated that they had booked plots of land bearing plot nos.D-70 & D-55, measuring 2000 sq.ft. each in the project Aryavart Greens situated at Nayagaon, Sonapur being developed by the respondent company M/s Aryavart Life Spaces Pvt. Ltd. and paid Rs. 21,30,000/- through cheques for allotment of plot

of land with developed works such as; earth filling, boundary wall, electricity, drainage system along with amenities like club house, banquets, health clubs and spa etc. to be provided within two years but even after lapse of six years, no basic facility has yet been provided by the respondent company, Hence, filed this present case praying for the refund of deposited amount along with interest and compensation.

The complainant has placed on record money receipts dated 25-06-2014 for Rs.1.3 lakh, dated 17-07-2014 for Rs.4.62 lakh, dated 28-08-2014 for Rs.1.13 lakh, dated 07-10-2014 for Rs.1,19,000/-, dated 10-10-2014 for Rs.3.33 lakh, totaling to Rs.11,27,000/-, issued by respondent company in respect to payments made. Further respondent has also placed on record cheque dated 01-08-2014 for Rs.10 lakh with the receiving of respondent.

On 30-01-2022, respondent has filed reply stating therein that the complainant has booked the plot in the year of 2014 and respondent has promised to give within 4 years after doing development. It has been further submitted that complainant has to pay the schedule amount as per the company rule but the complainant has failed to do so. Respondent further submitted that complainant came before the company and wants to withdraw the booking plot due to some his personal reason after that the respondent return complainant money back with certain norms of the company and paid total amount of Rs.14.83,330/- in the account of the complainant. It has been further submitted that rest amount will be refunded after 6 months after the deduction of the company norms.

The respondent has placed on record statement of Account of HDFC Bank for the period between 01-04-2014 to 31-03-2016.

On 07-05-2022, the complainant has filed an application stating therein that no amount as stated in reply filed and different cheques mentioned in the statement of Account is in cashed in any accounts of the complainant.

During the last hearing on 11-04-2022, learned counsel for complainant submits that complainant wants refund of the deposited amount.

Learned counsel for respondent during the course of last hearing submitted that the respondent has already refunded the amount.

The Bench observes that the plot was booked in the year 2014 and till date no development has been done by the respondent and further, the bench also observed that as averred by the respondent that complainant has not paid the amount as per the payment schedule upon that issue, the Bench observes that no documents placed on record where the respondent has demanded the money from complainant as per the payment schedule nor the respondent has placed or made any submissions that till date how much work has been completed.

The Bench takes the notes of submissions of complainant that no amount has been refunded in the account of complainant and also from the documents placed by respondent, it is not clarifying that in whose account, the amount has been credited, hence, in the light of above observation and consideration, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount deposited i.e. Rs.21,30,000/- 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 two percent from the date of taking the booking within sixty days of issue of this order.

The complainant is at liberty to press the claim for compensation before the A.O.

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

Sd/-

Nupur Banerjee
Member