

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mrs. Nupur Banerjee, Member

Complaint Case Nos. CC/587/2019

Rita DeviComplainant

Vs.

M/s Alchemist Township India Ltd.Respondent

Project: Housing Project at Park Avenue

**Present: For Complainant: In person
For Respondent: None**

31/08/2022

ORDER

The complainant, Rita Devi, a resident of Brahmsthan, Kurthaul, P.S. Parsa Bazar, District Patna, has filed a complaint petition against the respondent firm M/s Alchemist Township India Ltd., a promoter and developer company, for a direction to the respondent company to refund the money paid to the respondent with interest @ 18% per annum from the date of payment till date.

In short, the case of the complainant is that the complainant booked a plot and deposited the amount for four years and three months and in case of not providing the plot the respondent assured to pay Rs.15,000/- on maturity but till date the respondent has not refunded the said amount. The date of maturity is 09.06.2018.

A notice dated 15.01.2020 was issued to the respondent company under Sections 03, 12, 18 and 19 of the RERA Act, 2016 and Rule 36 of the RERA Rules 2017 to appear and file their reply but till date they have not filed any reply.

On 02.03.2020 hearing was taken up but both the parties were absent. On 15.09.2020, 09.10.2020, 15.10.2020 both the parties were present and the Bench directed the respondent to pay Rs.1.50 lakh out of Rs.1.65 lakh to the complainant by 22.10.2020. On 22.10.2020 the complainant was present but the respondent has not appeared. On that date the complainant submitted that he has not received any amount from the respondent till date. On 18.02.2021 also the complainant was present but no one had turned up on behalf of the respondent. On the submissions made by the complainant this matter was referred to the Economic Offences Wing of the State Government to investigate and submit their report. On 21.12.2021, 04.04.2022 and 26.05.2022 the complainant was present but no one had turned up on behalf of the respondent. On the said dates the complainant submitted that neither any reply has been filed by the respondent nor they have refunded the amount. On 18.07.2022 the complainant

was present but the respondent was absent. On that date the complainant submitted that he booked a plot and paid money. He wants refund of the money with interest for which he has already filed an application.

Perused the record of the case. The respondent has not filed any specific reply. However, in few hearings Mr. S.K. Tiwary, learned counsel for respondent has appeared but in last few hearings despite notices and summons issued, no one appeared on the behalf of respondent, hence, order is being pronounced on the basis of submissions of complainant and documents placed on record.

The matter was referred to Economic Offences Wing of the State Government to investigate and submit their report but Bench observes that no report has been submitted till date, hence, Bench directs office to send this order of copy to take appropriate action by Economic Offences Wing of the State Government in this matter.

In sum and substance, the submission of the complainant is that she booked a plot and paid money for four years and three months but the respondent company neither handed over the plot nor refunded the money as agreed by the respondent.

Having heard the learned counsel for the complainant and considering the materials available on record, the Bench hereby directs the respondent company and their directors to refund the amount of Rs.15,000/- at the rate of marginal cost of fund based lending rate (MCLR) of State Bank of India as applicable for three years plus three percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

With the above observations/ directions, this complaint petition is disposed of.

Sd/-

Nupur Banerjee
Member