

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2nd Floor, BSNL Telephone Exchange Bldg, Patel Nagar, Patna-800023

Before the Bench of Mr R.B. Sinha, Member

CC/1375/2020

Retendra Kumar Sinha.....Complainants

Vs

M/s Grih Vatika Homes Pvt Ltd.....Respondent

Present: For Complainants: In Person
For Respondent : Mr Mohit Raj, Advocate
Mr Ranjit Kumar Jha, Dir

10/08/2021

O R D E R

- 1. Retendra Kumar Sinha**, S/o Late Binay Kumar Sinha, a resident of Women's College Road, Kashipur, Patna has filed a complaint petition in August 2020 under section 31 of the Real Estate (Regulation and Development) Act 2016 against the respondent company M/s Grih Vatika Homes Pvt Ltd for refund of her booking amount in the Project Urmila Vatika of the promoter along with due interest thereon and compensation.
- 2.** The Complainant had submitted copies of the KYC form of the respondent company, money receipts etc along with his complaint petition.

Case of the Complainant :

- 3.** In his petition, the complainant has submitted on 24/08/2020 that he had booked the Flat No.505 (of 685 sq ft) in the project Urmila Vatika in 2015, being constructed by the respondent company M/s Grih Vatika Homes Pvt Ltd at the total consideration amount of Rs 15.57 lakh. He claimed that he had paid Rs 4.84 lakh as booking amount and also paid Rs 40,500/- as registration charge of the agreement for sale to the

respondent company. He has requested for refund of Rs 5.24 lakh along with interest @ 18% per annum.

4. In pursuance to the receipt of Complaint petition, a notice was issued by the Authority in September 2020 to the respondent company to furnish their reply. However no reply was received from the Respondent company.

Hearing

5. The case was put to hearing and hearings were held on 17/02/2021, 18/03/2021, 24/03/2021 and 02/06/2021. In course of hearing, the Complainant represented himself before the Bench while the Respondent Company was represented by Mr Mohit Raj, Advocate and Mr Ranjit Kumar Jha, Director of the company. In course of hearing, the respondent company submitted their response to the complaint petition in March 2021. In response to the notice, the respondent company admitted that they have received Rs 4,84,409 during September 2015 to August 2016 and agreed to refund the deposit within six months.
6. On 17/02/2021 the Bench while expressing displeasure on the conduct of the respondent company, directed them to refund the principal amount within two weeks. On 18/03/2020 the complainant submitted that on 17/03/2021 he has received Rs one lakh from the respondent company. The Bench directed the respondent company to make full refund by 23/03/2021.
7. The respondent company in its subsequent petition dated 05/04/2021 submitted that Rs 5.00 lakh has been refunded to the complainant and there was no outstanding dues now. On 02/06/2021 the complainant submitted that he has received his principal amount and prayed for interest.

Order

8. The Bench expressed its displeasure on the unprofessional conduct of the promoters and noted that they have availed the

economic benefits of the deposits for more than five years, without refunding the deposit to the allottee.

9. Accordingly, the Bench directs the Respondent Company to pay interest at the rate of Marginal Cost of Lending Rate (MCLR) of the State Bank of India as applicable for three years or more plus two percent from the date of deposit to the date of refund within 60 (sixty) days of the issue of this order, failing which the promoters will be required to pay penal interest @ 9 percent per annum for delay of every day on the amount of interest payable from the date of this order until the date of payment of interest, under section 63 of the Real Estate (Regulation and Development) Act 2016.

Sd/-

**R B Sinha
Member**