

REAL ESTATE REGULATORY AUTHORITY, BIHAR, PATNA

Before Mr R.B.Sinha & Mr S.K. Sinha, Members of the Authority

RERA Case No : CC/142/2018

Chunni Sharma.....Complainant

Vs

M/s Aranya Plotters & Builders Pvt LtdRespondent

Present: For the Complainant: In person

For the Respondent : Thakur Manish Mohan, Adv

31/10/2019

ORDER

1. The complainant Chunni Sharma, a resident of Surya Prakash Bhawan, South Bhupatipur, PO Dhelwan, Patna has filed a petition against Mr Abhinay Kumar, CMD of M/s Aranya Plotters & Builders Pvt Ltd under section 31 of the Real Estate (Regulation & Development) Act 2016 on 3rd December 2018 for refund of Rupees eleven lakhs and fifty thousand only (Rs 11,59,000/-) deposited by him against booking for purchase of three plots in the Project Bio City, Bela Phase-I of the promoter M/s. Aranya Plotters & Builders Pvt Ltd.

Case of the Complainant :

2. The complainant has submitted that he booked three plots viz; 02, 03 and 06 in the Real estate Project Bela City, Bela Phase I developed by M/s Aranya Plotters & Builders Pvt Ltd and deposited Rupees eight lakhs, seventy nine thousand only (Rs 8,79,000) in February 2017, Rs one lakh in June 2017 and Rs one lakh eighty thousand in March 2018. As per agreement executed by Mr Abhinay Kumar, CMD of the respondent company with the complainant on 01/03/2017, the rest amount was to be paid at the time of possession

and registration of the plots but since January, 2018 the company was not responding. He therefore, desired to cancel the booking and get the refund of the amount deposited with the respondent company along with due interest. The complainant has also enclosed copy of the agreement and copies of the money receipts for the payments made by him.

Response of the Respondent Company:

3. The respondent company was served with a show cause notice on 18th December 2018 to submit reply on the complaint petition within two weeks but the respondent did not reply. Therefore, the respondent company was called for hearing on 14th March 2019.

Hearing :

4. The matter was heard on 14/03/2019, 08/04/2019, 14/05/2019, 17/05/2019, 25/07/2019, 28/08/2019, 05/09/2019, 19/10/2019. During the course of hearing, learned counsel of the respondent company assured that they would refund the deposited amount to the complainant in two installments. Though the assurance was initially given that fifty percent would be refunded by 17/05/2019 and the balance amount expeditiously, the respondent company took six months to pay the deposited amount in several installments. Finally, on 19/10/2019 the complainant submitted that full principal amount has been refunded by the respondent company.

Issues for consideration :

5. There was no dispute on the facts of the case. The Complainant had deposited Rs 11.79 lakhs for booking three plots viz; 02, 03 and 06 in the Real estate Project Bela City, Bela Phase I developed by M/s Aranya Plotters & Builders Pvt Ltd and the plots were not handed over to him timely. Since the deposited amount has been refunded by the respondent company to the complainant in installments after the complainant has filed the case with the Authority and taken more than eighteen months to refund the deposit, the Bench feels that the

complainant was entitled for due interest on the deposit made by the him from the dates of deposit to the dates of refund.

Order :

6. It is therefore ordered that interest at the rate of MCLR of State Bank of India applicable for two years on the amount deposited by the complainant from the dates of deposit to the date of refund be paid by the respondent company to the complainant within sixty days of issue of this order.

Sd/-
(R.B. Sinha)
Member

Sd/-
(S.K. Sinha)
Member