

Real Estate Regulatory Authority (RERA), Bihar, Patna

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

Complaint Case Nos.CC/155/2018 & CC/156/2018

Mr Rajesh Kumar & Mr Satya Prakash.....Complainants

Vs

M/s Rukmani Infratech India Pvt Ltd.....Respondent

Present: For the Complainants: In person

For the Respondent : Mr Ranjit Kumar, Advocate

Ms Ranjita Singh, Advocate

31/08/2019

O R D E R

Mr Rajesh Kumar, S/o Late Ram Sakal Prasad Singh and a resident of Railway (Rly) Qtr No.26A, Road No.2, Gandhi Park Colony, Samastipur and Mr Satya Prakash, S/o Mr K P Sahu and a resident of Rly Qtr No.295 Road No.16, Golf Field, Railway Colony, Samastipur have filed a complaint petition each on 17th December 2018 under Section 31 of the Real Estate (Regulation & Development) Act, 2016 against Mr Ajit Azad, Director of M/s Rukmani Infratech Pvt Ltd for refund of the balance amount of deposits made by them for booking an apartment each in the Project Rukmini City, along with due interest.

Case of the Complainants:

In their similar applications, the Petitioners have stated that they had booked a residential 3 BHK flat each (Nos. B/501 and B/502) in the project **Rukmani City**, Ranipur near Bye Pass Thana, Patna and deposited the booking amount of Rs 4.60 lakh each against the total cost of Rs 45,78,200 (Rupees forty five lakhs, seventy eight thousand

and two hundred only) in July, 2016. They stated that at the time of booking, they were assured that the construction work would start within the next 2-3 months. However, whenever they visited the site several times thereafter, they did not see any construction work going on. Then they contacted the Director of the respondent company regarding reasons for the delay in commencement of the work. The Director informed that that due to some problems, they were unable to continue this project and assured that they would refund the full booking amount latest by 31/12/2017 but until September, 2018 only Rs one lakh was refunded to each of them. The petitioners have therefore claimed that the balance amount of Rs 3.60 lakh should be refunded back with interest to them.

A copy of the complaint petition was sent to the respondent company in January 2019 through their MD to file their response within two weeks of receipt of the notice. However, no response was received from the respondent company. Thereafter, both the parties were called for hearing on 25/03/2019.

Hearing

In course of hearing on 25th March 2019, while both the complainants represented themselves, the respondent company was represented by their learned counsel Mr Ranjit Kumar. He assured that he would get the balance amount refunded to the complainants in two week's time. On the next date of hearing, the learned counsel of the respondent company handed over two cheques of Rs 3.60 lakh each to the complainants in the Court. In the subsequent hearing, the complainants confirmed having received the refund through encashment of the cheques.

Order

There is no dispute on the fact of the case. Each complainant had paid the booking amount of Rs 4.60 lakhs (Rupees four lakhs and sixty thousands only) in July, 2016 for a 3 BHK apartment in the project

Rukmani City, Ranipur near Bye Pass Thana, Patna. The respondent company had already admitted that their project was not proceeding ahead in September, 2017. The Respondent company had refunded Rupees one lakh to both petitioners before their complaints were filed with the Authority. They have since refunded the balance amount of Rs 3.60 Lakhs to each petitioner in April 2019. The Bench therefore, orders that an interest of 9 % per annum be paid to the complainants on the amount of deposit from the date of deposit to the date of refund by the respondent company within 60 (sixty) days of issue of this order.

Sd/-

(R.B. Sinha)
Member

Sd/-

(S.K. Sinha)
Member