

**REAL ESTATE REGULATORY AUTHORITY, (RERA),
BIHAR, Patna**

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

Suo Moto Case Nos. CC/298 & 299/2019

**Smt Kanta Singh And Smt Lalmuni Devi.....Complainants
Vs
M/s Samrat City Infra Developers Pvt. Ltd.....Respondent**

**Present : For the Complainant : In Person
For the Respondent : Mrs Rina Kumari, Adv**

31/12/2020

O R D E R

1. Smt Kanta Singh W/o Mr Dhram Raj Singh , resident of House No-7B/15, Indrapuri, Patliputra, Patna and Smt Lalmuni Devi, resident of House No-7B/15, Indrapuri, Patliputra, Patna have filed separate complainant Petitions in May 2019 against M/s Samrat City Infra Developers Ltd through their Directors Vidya Rai, Pramod Kumar and Ravi Kumar under section 31 of the Real Estate (Regulation and Development) Act 2016 for refund of their booking amount along with interest.

2. In their identical applications, the Complainants have stated that they had booked a plot of land measuring 1500/1200 sqft (Smt Kanta Singh- Plot No- A-09 of 1500 sqft and Smt Lalmuni Devi- Plot no-A-03 of 1200) located in Jinpura block, Bihta, Patna in July 2016 after making payment of Rs 1.01 lakhs. The Promoter had

executed an agreement for sale with each petitioner in August 2016. The Complainants further stated that the promoter cancelled their bookings in January 2018 stating that there were technical issues in getting registration of the plots of land and assured the allottees that their deposits would be refunded back with interest. Both Complainants claimed that the respondent company gave them a cheque of IndusInd Bank for Rs 1.00 lakh in March 2018 as refund of their deposits but both cheques got bounced. Thereafter they have been making request for refund of their money but the promoter has been delaying the refund on one pretext or the other.

3. In pursuance to the receipt of Complaint petitions, a notice was issued to the respondent company to furnish their reply within two weeks. However, the respondent Company didn't furnish any response on the complaint petition to the Authority. Accordingly, both parties were called for hearing.

Hearing:

4. Hearings were held on 18.09.2019, 19.10.2019, 20.12.2019, 24.01.2020, 19.02.2020, 15.09.2020, 24.09.2020, 09.10.2020, 22.10.2020 and 09.11.2020. In course of hearing, the respondent company submitted their response stating that the complainants have filed other civil/criminal cases against the respondent. They stated that the petitioners couldn't file cases at two forums for same relief. The Bench however directed the respondent company to refund the deposit amount along with reasonable interest. After several hearings, the Respondent Company finally refunded the principal amount to the petitioners on 22.10.2020. The Bench thereafter directed both parties to amicably settle the amount of

interest and file a compromise petition on the next date of hearing. However, on the next date of hearing, the complainants reported that the respondent company has not paid the interest amount till date.

Order

5. Since the Respondent company have availed the economic benefits of the deposits made by the Petitioners for more than four years, the Bench directs the Respondent company to pay a simple interest at the rate of 8 percent on the deposits made by the complainants from the date of deposit to the date of refund, within sixty days of issue of this order.

Sd

R B Sinha
Member

Sd

S K Sinha
Member