

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Mr. Naveen Verma, Chairman**

**Case No. RERA/CC/536/2021**

**Rinki Kumari**

**.....Complainant**

**Vs**

**M/s Aikya Engicon LLP**

**.....Respondent**

**Project- Sai Bhavan Apartment**

**ORDER**

**4.7.2022:** This matter was last heard on 10.2.2022 and was posted for orders on 14.3.2022. However, due to pre-occupation of the Bench in other matter order could not be pronounced.

This matter has been filed for handing over possession of the flat. The flat was booked on 30.9.2020 after making payment of Rs. 10 lakh against the total consideration of Rs. 45.89 lakh. She has submitted that initially he applied loan from SBI, Patna but the loan was not approved then she applied and got loan from PNB, Madhubani but the promoter cancelled the booking and returned the amount to her. She alleged that the respondent had not sent any letter for cancellation. She filed copy of the agreement in which payment of Rs.10 lakh is mentioned. In the online petition it has been alleged that the booked flat has been sold to someone else.

During the last date of hearing learned counsel for the respondent submitted that they are ready to make refund of paid money with interest. The complainant requested for refund of paid money along with interest and compensation for mental harassment may be given to her.

The Authority observed that after the date of execution of Deed of Agreement to Sale the conditions under which booking can be cancelled have been specified in RERA Act, 2016 and Bihar Rules, 2017. The respondent has not filed any evidence that the notice was sent. The Agreement to Sale mentions the schedule of payment.

The Authority therefore, observes that the cancellation of booking is unilateral and not justified. The respondent is directed to give her alternative flat after taking remaining amount if a flat is available in that project. In case, no flat is available the promoter would pay interest calculated at MCLR of SBI for one year from the date of taking the booking to the date of refund within sixty days of the issue of this order.

The complainant is at liberty to place the matter for compensation before the Adjudicating Officer.

With this direction/observation the case is disposed of.

Sd/-

**Naveen Verma**  
**Chairman**