

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No.CC/741/2019

Sushil Kumar Rai.....Complainant

Vs

M/s Grih Aarambh Developers Pvt Ltd.....Respondent

Present: For Complainant: In person

For Respondent : Mr Shivam Singh, Advocate

19/04/2021

ORDER

1. Shri Sushil Kumar Rai, a resident of A/506, Alankar Sun City Apartment, Sandalpur, Patna-800007 has filed a complaint petition against the respondent company M/s Grih Aarambh Developers Pvt Ltd under section 31 of Real Estate (Regulation and Development) Act 2016 for refund of his booking deposit of Rs one lakh for a flat in the project Grih Aarambh Sports City.

Case of the Petitioner :

2. The complainant Shri Sushil Kumar Rai, in his complaint petition dated 05/12/2019, has submitted that he booked a flat in Grih Aarambh Sports City, a project of M/s Grih Aarambh Developers Pvt Ltd by depositing Rs one lakh on 04/05/2017. Since the project was not taking off/not running, he cancelled the booking and requested for refund of the deposited amount.
3. A notice under Sections 31 of the Real Estate (Regulation & Development) Act 2016 and Rule 36 of the Real Estate (Regulation & Development) Rules 2017 was issued to the respondent company M/s Grih Aarambh Developers Pvt Ltd to submit reply/response by 17/02/2020. However, the respondent company did not submit any reply. The case was therefore, fixed for hearing.

Hearing :

4. Hearings were held on 22/02/2021, 05/03/2021 and 09/03/2021. In course of hearing, the complainant represented himself while the respondent company was represented by the Mr Shivam Singh, Advocate. On 22/02/2021, the respondent company submitted a cheque for Rs 25,000/-. The Bench while observing that the respondent has not complied with the last order even after undertaking to make payment of full amount of deposit, directed the respondent company to refund the principal amount with reasonable interest before the next date of hearing.
5. On 05/03/2021 learned counsel of the respondent company prayed for time to refund the remaining amount which was denied and the Bench directed them to pay back the remaining amount otherwise heavy penalty will be imposed. On 09/03/2021 learned counsel of the respondent company submitted that a cheque for Rs 75,000/- has been submitted today in RERA Office and thus the full amount was refunded. The Bench directed the complainant to collect the same and confirm after receiving the payment.

Order :

6. Since the respondent company has kept the deposited amount for more than three and half years and enjoyed the economic benefits of the deposit, the Bench directs the Respondent company to pay interest at the rate of seven percent per annum from the date of deposit to the date of refund within sixty days of issue of this order.

Date: 19.04.2021

**Sd/-
R.B. Sinha
Member**