

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No.CC/1176/2019**

**Nikhil Kumar.....Complainant**

**Vrs**

**M/s Palvi Raj Constructions Pvt Ltd.....Respondent**

**Present: For Complainant : In person**

**For Respondent : Mr Sharad Shekhar, Adv**

**26/04/2021**

**O R D E R**

1. Nikhil Kumar S/o Rajendra Prasad, a resident of Maurya Vihar, Near Plywood factory, Khagaul, Patna has filed a complaint petition on 28th February 2020 under Section 31 of the Real Estate ( Regulation and Development) Act 2016 against Palavi Raj Constructions Private Limited through their managing director Mr Sanjeev Kumar Srivastava for refund of his deposit of Rs.81,000 which he had paid for booking a flat in their project Mumbai Residency. Along with his application, the complainant has submitted the copies of KYC form duly filled in, money receipts issued by the respondent company etc.
2. In his petition, the complainant has stated that he had booked a flat no 405 on 4th floor in 6E Block of the Project Mumbai Residency of M/s Pallavi Raj constructions Private Limited and paid Rs.87,000 to the respondent company in three installments (Rs.75,000 +6000

+6000). The respondent company had however refunded back Rs.6000 to him while 81,000 was still due to be refunded back to him. In his application, the complainant has stated that he had requested for cancellation of the booking on personal account and after great persuasion, he was given four cheques of Rs 6000 each for encashment in November/ December 2019 but the first cheque of Rs 6000 bounced and the respondent paid Rs 6000 in cash. Other three cheques were not deposited under directions of the respondent as there was insufficient funds in the bank account. The complainant has requested for refund remaining amount of Rs81000 along with interest at the earliest.

3. In pursuance thereto, a notice was issued to the respondent company for submitting their response within a month. However no response was furnished by the respondent company.

### **Hearing**

4. Hearings were held on 19th February 2021, 22th February 2021, 18th March 2021 and 25th March 2021. In course of hearing, the respondent company was represented by Mr Shekhar Shekhar Advocate and Mr Rajan Kumar Sharma Advocate while the complainant was represented by his father Mr Rajendra Prasad.
5. There was no dispute on the facts of the case. The Respondent Company admitted the receipt of Rs 81,000 from the complainant. In pursuance to the directions given by the Bench in course of hearing, the Respondent company refunded rupees eighty thousands only (Rs.80,000) of remaining Rs.81,000 to the complainant.

## **Order**

6. As the respondent company has availed economic benefits of the deposit of the complainant for nearly two years, the Bench directs the respondent company to pay an interest at the rate of six percent (6%) per annum from the date of deposit to the date of refund within 60 days of issue of this order.

**Date : 26.04.2021**

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