

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Complaint Case No.: CC/1220/2020

Raj kumar Das.....Complainant

Vs.

M/s Grih Vatika Home Pvt. Ltd.....Respondent

Present: For Complainant: Mr. Sunil Kumar Singh, Adv

For Respondent: Mr Mohit Raj, Adv

Mr. Ankit Kumar, Adv

26.04.2021

ORDER

1. Raj kumar Das S/o Sri Sarju Das, a resident of B-5, KVS residential complex, Kankarbagh, Patna- 800020 has filed a complaint petition under section 31 of the Real Estate (Regulation and Development) Act 2016 against M/s Grih Vatika Homes Private Limited through their MD Mr Ranjeet Kumar Jha for refund of the booking amount of Rs.3,50,000 paid by him for booking a flat in project Green Vatika located at Gola Road, Danapur, Patna. Along with the application, the complainant has also submitted copies of the money receipts, KYC form duly filled in, request for cancellation of booking, legal notice etc.
2. In his petition, the complainant has stated that he had booked a flat no C-205 on second floor in C Block at the total consideration amount of Rs.25 lakhs. He claimed that he had paid a sum of Rs. 2,00,000 (Rupees two lakhs only) as an advance on 30 April 2018 through State bank of India cheque number 740382. He claimed that he had also paid a sum of Rs.1,50,000 on 7 July 2018 vide Union Bank of

India cheque number 083992. In sum, the complainant had paid Rs.3,50,000 (Rupees three lakhs fifty thousand only) till July 2018. However, the project was badly delayed and there appeared to be no probability of the completion of the project in near future. Therefore, the complainant requested the respondent company in August 2019 to cancel the booking and return the deposit, to which the respondent agreed and asked him to submit of an application for cancellation. Accordingly, the complainant submitted a request for cancellation of his booking on 30 August 2019. However, the respondent company failed to refund the amount. The complainant claimed that he visited the office of the respondent company at least 20 times but they did not refund the deposit on one pretext or the other and on 26 February 2020 they finally declined to return the complainant's deposit.

3. In pursuance to the receipt of the complaint petition, the Authority issued a notice to the respondent company on 2nd July 2020 directing them to submit their written response by 21st July 2020. The respondent Company however did not furnish any response to the notice. Accordingly, both parties were called for hearing.

Hearing

4. Hearings were held on 7th February 2021 and 24th March 2021. In course of hearing, the complainant was represented by Mrs Ranjeeta Singh Advocate and the respondent company was represented by Mr Ranjeet Kumar Jha, Managing Director and Mr Mohit Raj Advocate. In pursuance to the direction of the Bench, the respondent company finally refunded the principal amount of deposit in two installments in March 2021. On 5th April 2021, the respondent company informed the Bench that they have paid the total amount of Rs.3,50,000 to the complainant through a cheque of Rs.1,00,000 on 17th March 2021 and 2,50,000 on 18th March 2021 through a bank transfer. The complainant has also admitted that he has received the principal amount from the respondent company. The complainant counsel

however prayed for interest as the respondent company had kept the deposit for nearly 2 and half years.

Order

5. As the respondent company had availed economic benefits of the deposits for more than two and half years, the Bench orders the respondent company to pay an interest at the rate of seven percent per annum from the date of deposit to the date of refund within 60 days of the issue of this order.

Date : 26th April 2021

**Sd/-
R B Sinha
Member**