

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Complaint Case No.: CC/220/2019**

**Abhisekh Kumar.....Complainant**

**Vs.**

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

**Present: For Complainant: In Person**  
**For Respondent: Mr Ranjeet Kumar Jha MD**  
**Mr Mohit Raj, Adv**  
**Mr. Ankit Kumar, Adv**

**26.04.2021**

**O R D E R**

1. Abhishek Kumar S/o Late Mohan Prasad Gupta, a resident of Saket Puri Road no-3, Hanuman Nagar, Kankarbagh Patna has filed a complaint petition under Section 31 of the Real Estate ( Regulation and Development) Act 2016 against M/s Grih Vatika Homes Private Ltd through their MD Mr Ranjeet Kumar Jha for refund of the booking amount of Rs.6,11,000 (Rupees six lakhs and eleven thousands only) paid by him for a flat in the project Ambika Vatika in August 2018. Along with his application, the complainant has submitted copies of KYC document, money receipts, cancellation letter etc.

2. In his petition, the complainant had stated that he had booked a flat of 920 sqft in the project Ambika Vatika for the total consideration amount of Rs.15 lakhs. Accordingly he had paid a sum of 6,11,000 as an advance

deposit on 2nd August 2018. However, when he requested the respondent company to get the registered agreement for sale done, the respondent company initially hesitated and thereafter demanded another installment of Rs.5 lakhs to get the agreement for sale registered. Considering the delaying tactics of the respondent company, the complainant cancelled the booking and demanded refund of the booking amount. After a lot of pursuance, the complainant claimed that he was given three post-dated cheques of Rs 1,00,000 payable in December 2018 and January 2019 but all three cheques bounced due to insufficient funds.

### **Hearing**

3. Hearings were held on 7 May 2019, 12 July 2019, 2 August 2019, 6 August 2019, 6 September 2019, 19 October 2019, 18 December 2019, 15th January 2020, 26 February 2020, 28 February 2020, 5 March 2020, 19 October 2020, 4 November 2019, 12 November 2020 and 17 February 2021. In course of the hearing, the complainant represented himself while the respondent company was represented by Mr Ranjeet Kumar Jha MD and Mr Mohit Raj Advocate. In course of hearing, the respondent company paid back the full principal amount in several small installments. Few cheques of the respondent company submitted in the court in December 2019 to the complainant also bounced. However, the complainant had admitted on the last date of hearing on 17<sup>th</sup> February 2021 that he had received the full amount of deposit from the respondent company during the calendar years 2019 and 2020.

### **Order**

4. As the respondent company has availed the economic benefits of the deposit of the complainant for nearly 2 and half years, the Bench directs

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 issue of the order.

**Date : 26.04.2021**

**Sd/-  
R B Sinha  
Member**