

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. CC/277/2018

Nimesh Anand.....Complainant

Vs

M/s Sai Doma Buildcon Pvt LtdRespondent

Present: For Complainant: In person
For Respondent: Mr. Rajesh Kr Singh, MD

09/10/2020

Order

1. Mr Nimesh Anand, a resident of Simplex -03, Sector-4, Vastu vihar, Hardag, Ranchi-Khunti Highway, Ranchi, Jharkhand has filed a complaint petition on 6th February 2019 under section 31 of the Real Estate (Regulation and Development) Act 2016 against M/s Sai Doma Buildcon Pvt Ltd through their MD Mr Rajesh Kumar Singh for not refunding the deposit of Rs 2 lakh along with interest for the last two years, inspite of repeated requests.

Case of the Complainant

2. In his petition, the Complainant has stated that he had booked a flat with the respondent company by paying a sum of Rs 2.00 lakh through cheque no 386272 drawn on Indian Overseas bank, Patna on 23.02 2016. However, due to inevitable reasons, he had to cancel the booking on 15th July 2017 but the amount has not been refunded back by the respondent Company till date.

3. He has therefore requested for refund of the booking amount along with interest at market rate. He has submitted a copy of the money receipt dated 23rd February 2016 issued by the Respondent Company against Block A, Unit No-203 in his project. He has also submitted copies of email correspondence he had made with the Respondent company for refund of the booking amount.
4. In pursuance thereto, the Authority issued a notice to the Respondent for giving their response/reply to the complaint by 08th April, 2019. However, no reply was received from the Respondent Company. Accordingly both parties were called for personal hearing on 30th August 2019.
5. Hearings were held on 30.08.2019, 22.10.2019, 22.01.2020, 24.02.2020 and 28.02.2020. In course of hearing, the complainant appeared himself whereas the Respondent Company was represented by their MD Mr Rajesh Kumar Singh. In course of hearing, MD of the Respondent company submitted a cheque of Rs 2.00 lakh in favour of the Complainant, which was handed over to the Petitioner on the next date of hearing.
6. In his complaint, the Petitioner had requested for refund of booking amount along with interest. As the respondent Company has taken inordinate time to refund the booking amount and enjoyed the economic benefits of the funds for about four years, the Bench feels that interest at a reasonable rate should be paid to the complainant. Accordingly, the Bench orders the respondent company to pay an interest at the rate of five percent

from the date of deposit to the date of refund, within thirty days of issue of this order.

Sd/-
R.B. Sinha
Member