

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mrs. Nupur Banerjee, Member

Case No. RERA/CC/1001/2021

Abhishek Kumar

.....Complainant

Vs.

M/s Ghar Laxmi Buildcon Pvt. Ltd.

.....Respondent

ORDER

08.12.2022

This matter was last heard on 24.11.2022.

This matter has been filed for the possession of flat. The case of the complainant is that he had booked 3 BHK flat, bearing flat no. C-404, In Block-C which was subsequently changed to flat no. 308, in Block –A of Income Tax Residency earlier named as Aayekaar Vihar in 2015 and has paid Rs.6.51 Lakh as total booking amount as demanded by respondent on different dates. He further submitted that subsequently, both the parties have entered into M.O.U. dated 08-04-2015 and further submitted that even after booking in 2015, the respondent on various occasions has demanded through letter to committee for payment from the allottees and also shown schedule of completion of work by

Sep, 2019 but till date, the builder has not handed over the flat by completing it in all aspect. Hence, this complaint.

The complainant has placed on record the money receipts and account statement showing the amount paid to respondent as alleged in complaint petition.

On 20-09-2021, complainant has filed detailed supplementary affidavit stating therein that complainant had booked a 3 BHK flat bearing flat no.207 and accordingly M.O.U., dated 08-04-2015, has been executed between the parties but no construction started at the project site even after waiting for years, thereafter, the respondent compelled to cancel the flat and go for refund and further prayed for the possession of the flat.

Thereafter, the complainant has filed an affidavit stating therein that he has paid Rs. 6,51,000/- to the respondent and requested for refund with interest.

On the last date of the hearing the complainant requested for refund. The Additional Director of the respondent company was also present and has not challenged the contention of the complainant, hence the contention of the complainant is admitted.

After considering the documents filed and submission made, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 6,51,000/- to the complainant along with interest on the total paid consideration at the rate of marginal cost of fund- based lending rate (MCLR) of State bank of India as applicable for three years plus 3% from the date of taking booking till the date of refund within sixty days of issue of this order.

With these directions and observations, the matter is disposed of.

Sd/-

Nupur Banerjee
(Member)