

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mrs. Nupur Banerjee, Member

Case No. RERA/CC/1100/2021

Nandita Singh & Ors.

.....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 complainants is that complainant's father had booked 3 BHK flat, bearing flat no. C-304, In Block-C of Income Tax Residency earlier named as Aayekaar Vihar in 2015 and has paid Rs. 2.96 Lakh as total booking amount as demanded by respondent on different dates. Complainants further submitted that subsequently, complainant's father and the respondent had 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. Complainants had placed death certificate of their father Late Chandra Bhushan Singh who had died during the service period. Hence, this complaint has been filed by his successors.

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

On 20-09-2021, complainants had filed detailed supplementary affidavit stating therein that complainant had booked a 3 BHK flat bearing flat no.304 and accordingly M.O.U., dated 08-04-2015, has been executed between the parties and complainant paid the amount as demanded by the respondent but the respondent has not performed their obligation and further prayed for the possession of the flat.

Perused the record of the case. The respondent has not filed any specific reply and even not appeared during the course of hearing despite notices and summon issued, hence, ex-parte order is being pronounced.

Thereafter, the complainant has filed an affidavit stating therein that he has paid Rs. 2,96,000/- 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. 2,96,000/- 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)