

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Mrs. Nupur Banerjee, Member**

**Case No. RERA/CC/647/2021**

**Avinash Kumar**

**.....Complainant**

**Vs.**

**M/s Ghar Laxmi Buildcon Pvt. Ltd. ....Respondent**

**Project: Income Tax Residency**

**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. 207, in Block – B of Income Tax Residency Project in 2015 and has paid Rs. 2.96 Lakh as total booking amount as demanded by respondent on different dates. He further submitted that when he used to ask about the progress of work then respondent used to say that since, the government has lift ban on sand and map is not getting approved due to government policy, therefore, construction has not started and the same excuse has been repeated by respondent on ever communications. After passing of 5 years of booking when no development started at the project site, with no option left as per the

respondent guidance, had written cancellation letter asking for the refund of the amount then respondent given a cheque of Rs.1 lakh but the same cheque got bounced on 02.04.2021 and after repeated request, the transferred Rs.1 lakh on 15-04-2021 but after that no amount has been paid. Hence, this complaint.

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.

Perused the record. The respondent has filed reply stating therein that total consideration was Rs.18.50 lakh but complainant had paid Rs.2.96 lakh only and further submitted that complainant had to pay total 25 percent of the consideration amount but same has not been paid despite the demand made. It has been further submitted that this project has two blocks A & B, construction work in Block- A is under way and Block- B is being dropped out due to litigation arose after 3-4 years of development agreement. It has been further

submitted that complainant approached the respondents for the cancellation of the booking and accordingly, Rs. 1 lakh was paid to complainant on 15-04-2021, but rest couldn't return due to pandemic and submitted that respondent is ready to refund the amount within the stipulated time.

On 08-04-2022, complainant had filed 2<sup>nd</sup> Supplementary affidavit praying to direct the respondent to execute a registered agreement with the complainant as well as to handover all the relevant documents for obtaining loan. Further complainant prayed to direct the respondent to handover the flat within a time frame or preferably within 1 year.

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. The complainant has also filed a cancellation letter stating therein the Rs. 1,00,000/- has been refunded by the respondent and Rs. 1,96,000/- is still pending with the respondent.

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. 1,96,000/- 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)**