

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. CC/552/2021

SadhanaComplainant

Vs

M/s Anu Anand Construction Pvt. LtdRespondent

Project: Mohinder Villa

ORDER

09/11/2022

The matter was last heard on 20-09-2022.

This complainant has been filed seeking relief to direct the respondent to refund the remaining money with interest and compensation.

The case of the complainant is that complainant had booked a flat bearing flat no.305 in the project Mohinder Villa of the respondent company and had paid Rs.13 lakh. He further submitted that despite the registered Agreement for Sale dated 12-06-2010 executed between both the parties, the respondent did not give him the possession of flat and cancelled his booking without any reason. He further submitted that till date respondent has refunded only Rs.8.40 lakh, excluding Rs.3.60 lakh which was given by respondent as room rent before the cancellation of flat. He further submitted that on many occasions, he tried to reach before the respondent about balance amount but till date, it has not been paid. Hence, he filed present complaint.

Respondent has filed their reply stating that cancellation was mutual and till date respondent has refunded Rs.18 lakh which includes refund with compensation.

During the last hearing on 20-09-2022, the husband of the complainant reiterated his complaint petition and prayer. The respondent was absent.

The Bench notes that in this matter an interim order dated 27-07-2022 was also passed.

The Bench notes that complainant has not filed any documents in consonance to last hearing direction.

After the perusal of documents placed and submissions made, the Bench in view that total amount refunded by the respondent to complainant is Rs. 12 lakh in lieu of paid amount of Rs. 13 lakhs. Therefore, Rs. 1 lakh is remaining to be refunded by the respondent against the total paid amount. Though, the complainant take plea that Rs. 3.60 lakh was refunded as rent amount but no documents placed from which it can be ascertain that Rs.3.60 lakh was refunded as rent amount.

The Bench notes that the respondent has not placed on record

In view of the above discussion, the Bench hereby directs the respondent company and its Directors to refund the balance amount of Rs. 1,00,000/- to the complainant along with interest accrued 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 8% from the date of taking booking till the date of refund within sixty days of issue of this order.

So far, the claim of rent is concerned, the complainant is at liberty to claim as compensation before the A.O. as per the provisions of the Act.

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

Sd/-

Nupur Banerjee
Member