

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Single Bench of Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/1813/2020**

**Rajeev Kumar**

**...Complainant**

**Vs.**

**M/s Ghar Lakshmi Buildcon Pvt. Ltd.**

**.. ...Respondent**

**Project: Income Tax Residency**

**Present: For Complainant: In person**

**For Respondent: None**

**03/04/2023**

**ORDER**

In this matter, the complainant booked a flat bearing Flat No.202 on 2<sup>nd</sup> floor having an area of 1260 sq.ft. including a parking space in the said project on a consideration amount of Rs.20.50 lakh against which he has paid Rs.5.25 lakh through different cheques in the year 2016-17 but did not get any offer letter. I was asked for Rs.1000/- stamp paper for agreement which he has provided but no steps were taken despite repeated requests. It is stated that for the present the rate of the flat is very high, so he has suffered a lot. Therefore, he has prayed to direct the respondent to refund the principal amount of Rs.5.25 lakh with interest and compensation.

The complainant has placed on record the copy of the KYC, and the money receipts.

A reply has been filed on behalf of the respondent in which he has admitted that the complainant booked a flat and out of total consideration of Rs.20.50 lakh, the complainant has paid Rs.5.25 lakh through different cheques. It is stated that a dispute is going on between the land owners due to which they have not started the construction work. The respondent tried to contact the complainant several times for return back the booking amount but they did not receive any response. It is stated that the respondent is still ready to return back the booking amount along with simple interest.

From the records it appears that the complainant has sent a letter to the respondent on 22.02.2023 for cancellation of booking of flat and return of the principal amount at the earliest.

The Bench notes that since it is a case for refund of the principal amount with interest and the respondent is also ready to return back the principal amount with interest, so, in the interest of justice order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the consideration amount paid by the complainant in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to

refund the principal amount of Rs.5.25 lakh to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund within sixty days of issue of this order.

As regards compensation, the complainant is at liberty to file a case before the Adjudicating Officer as per provisions of the Act.

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

**Sd/-**

**Nupur Banerjee**  
**(Member)**