

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2nd Floor, BSNL Exchange Building, Patel Nagar, Patna-800023.

Before the Hon'ble Member, Mrs Nupur Banerjee, RERA, Bihar

Case No.- RERA/CC/1289/2020

Mrs. Baijanty DeviComplainant

v.

M/s Aashmi Realtors Pvt. Ltd.....Respondent

Project: ASMI HOMES

Present: For Complainant - In Person

For Respondent - None

24.09.2021

ORDER

Smt. Baijanty Devi, W/o Sri Sunil Kumar, resident of Maner, Near Girls' High School, Pathan Toli, Maner, District-Patna has filed the instant complaint against the Respondent Company M/S Aashmi Realtors Pvt. Ltd. to register the flat in the name of the Complainant.

Case of the Complainant:

The Complainant submits that the Complainant and the Respondent Company entered into an agreement for sale on 31.12.2013 for the purchase of flat no. 502, 5th Floor admeasuring 1270 sq. ft. in a multi-storeyed building complex namely "Asmi Homes" at Danapur, Patna. The total consideration amount was Rs. 15,51,000/- (Rupees Fifteen Lakhs Fifty One Thousand) out of which the Complainant has paid Rs. 12,00,000/- (Rupees Twelve Lakhs) and Rs. 3,51,000/- (Rupees Three Lakhs Fifty One Thousand) is yet to be paid.

The Respondent Company has received a total amount of Rs.12,00,000/- (Rupees Twelve Lakhs) out of the total consideration amount of Rs. 15,51,000/- (Rupees Fifteen Lakhs Fifty One Thousand)and on the other hand has sold the flat in question to one Smt. Kumari Sarita for a total consideration of Rs, 20,00,000/- (Rupees Twenty Lakhs).

Notice dated 06.07.2020 under Section 31 of the Real Estate (Regulation and Development) Act 2016 and Rule 36 of the Bihar Real Estate (Regulation and Development) Rules 2017 was issued to the Respondent Company to submit its reply by 28.07.2020.

Hearings:

Hearings were held on 16/03/2021, 02/08/2021, 03/09/2021 and 10/09/2021.

Complainant is present on all the hearings.

Respondent Company is absent on all the hearings despite issuance of several notices for appearance.

Order:

The Authority, after going through the complaint and the documents annexed therewith, is of the view that the Respondent Company has enjoyed the benefits of the large chunk of money paid by the Complainant towards the purchase of the flat in question for more than 7 years since execution of the agreement for sale. It is therefore ordered that the Respondent Company and their Directors refund the outstanding principal amount of Rs. 12,00,000/- (Rupees Twelve Lakhs) to the Complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus 2% from the date of taking the booking within sixty days (60) of issue of this order.

With this direction the matter is disposed of.

Sd/-
Nupur Banerjee
Member