

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Bench of R B Sinha and Dr S K Sinha, Members of RERA, Bihar

Case No. RERA/86/2018

Kumari Meenakshi.....Complainant

Vs

M/s Grih Vatika Homes Pvt. LtdRespondent

Present:

For the Complainant

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Kumari Meenakshi

For the Respondent

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**Mr. Durga Narayan, Advocate
Mr. Mohit Raj, Advocate**

O R D E R

30/05/2019

1. Kumari Meenakshi, D/o Dr. Kumar Manendra, C/37, Police Colony, Anishabad, P.S.-Gardanibagh, Distt.-Patna filed a complaint petition u/s 31 of the Real Estate (Regulation and Development) Act, 2016 against M/s Grih Vatika Homes Pvt. Ltd. through their Managing Director, Sri Ranjit KumarJha for refund of deposit of Rs.3.40 lakhs paid in April, 2015 for booking a flat in their proposed project 'VIP Residency', Mahuabagh, Danapur, Patna, along with interest.
2. In her complaint, she has stated that she had booked a flat bearing no.406 in the project 'VIP Residency', Mahuabagh, Patna at the cost of Rs.31.00 lakhs in April,

- 2015 and paid Rs.3,30,000.00 (Rupees three lakh and thirty thousands only) as booking amount. She stated that it was committed by the company that on payment of 10% of the total consideration amount, the agreement shall be executed by them. It was also agreed by the representatives of the company that the flat would be delivered within two years. They however did neither execute the agreement of sale in question nor the Map/plan of the project was got approved from the competent authority. inspite of reminders. As a result,even construction of the project was not started in two years period. She thereafter requested for refund of the deposit. After repeated requests for refund of the deposit, the Respondent company paid two cheques amounting to Rs.3,30,000/- in May, 2017, but both the cheques were dishonored by the bank due to insufficient fund. The complainant stated that she tried her level best to contact the respondent company on phone, but they did not pick up her mobile call. She has requested the Authority to get the refund of the deposit amount along with interest and compensation for the mental agony and trauma she has undergone.
3. Accordingly, a Show Cause Notice was issued to the Respondent company, M/s GrihVatika Homes Pvt. Ltd. through its Managing Director Mr. Ranjit Kumar Jha on 11th October, 2018 seeking their response by 25th October, 2018.

Response of the respondent company:

4. The Respondent company, however,did not furnish any response to the notice issued by the Authority. Accordingly, the respondent company was called for hearing on 26thFebruary, 2019 before the Bench. In course of hearing, while the complainant herself was present, the respondent company was represented by Mr. Durga Narayan, Advocate.
5. In course of hearing, learned Counsel for the Respondent company stated that there was some delay in the commencement of the project. However, the project has since been commenced in October 2017 and has also been registered with the Authority. He expressed his regret for bouncing of cheques and prayed for some time for making refund of the deposit. Accordingly, the Respondent company was given a week's time and on the next date of hearing on 05th March, 2019, the Respondent company handed over two postdated cheques for Rs.3,30,000/- to the complainant.

Issues for consideration

6. There is no dispute on any facts of the case between complainant and Respondent company i.e. whether the promoter had taken 10 percent deposit from the consumer in April 2015, whether any construction work started till April 2017 and whether the Respondent company had refunded the booking amount through two cheques to the customer in May 2017 that bounced. The Respondent company has not disputed any statement made by the complainant and has refunded the deposit made by the complainant in March 2019. Therefore, there is no doubt that the Respondent Company has availed the economic benefits of the deposit of the customer for about four years.

Order

7. We therefore order the Respondent Company to pay interest at the rate of MCLR of the State Bank of India as applicable for three years, from the date of deposit to the date of refund to the Complainant within sixty days of issue of this order.

Sd

**(R B Sinha)
Member**

Sd

**(S.K. Sinha)
Member**