

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mr Nupur Banerjee, Member
CC Nos. CC/779/2021

Nisha Priya.....Complainants

Vs

M/s Green City Real Estate Pvt Ltd.....Respondent

Project: Green City

Present: For Complainants: Mr Ishteyaque Hussain, Adv
For Respondent: None

10/03/2022

ORDER

The complainant Nisha Priya, W/o Mr Amarjeet Kushwaha, a resident of Bhawanipur, Motihari has filed complaint petition against the respondent company M/s Green City Real Estate Pvt Ltd for refund of the principal amount and interest thereon.

Case of the Complainant:

The complainant Nisha Priya in her petition dated 24/07/2021 has submitted that she booked a flat Green City project launched by M/s Green City Real Estate Pvt Ltd situated at Chandmari, Nagarpalika Block District Motihari on a consideration money of Rs 27,58,400/- out of which she paid Rs 27,44,000/- from bank loan and paying EMI in various installments and further entered into a registered agreement for sale vide Deed No.4625 but the entire building is lying in uncompleted condition even after lapse of more than 8 years. Moreover, the respondents have earlier already entered into agreement with some other person for the same flat who had paid them Rs 16,66,000/-. There is also some title suit over the land in question over which the said apartment is constructed. The complainant, therefore, prays for refund of the principal amount with interest for the last eight years and direction to the respondent to pay Rs 15,000/- per month rent to the complainant.

Hearing:

Hearings were held on 22/11/2021 and 06/12/2021.

On 22/11/2021 learned counsel of the complainant submitted briefed the facts of the case and further requested for refund of the principal amount plus interest.

As directed by the Bench, a fresh notice dated 30/11/2021 was issued to the respondent company, its Managing Director and the other Directors for appearing before the Bench on the next date of hearing i.e. 06/12/2021 failing which the matter will be heard ex-parte on the basis of materials available on record.

Issue for Consideration:

Since the respondent company has chosen not to file its reply to the complaint petition and did not appear for hearing, the only course left with the Bench is to decide the issue on the basis of available record as the matter cannot be dragged and issue direction accordingly to the respondent company for compliance.

Order:

The respondent company is directed to refund the principal amount to the complainant along with interest @ MCLR of the SBI as applicable for three years or more plus two percent from the date of deposit to the date of last refund within 60 (sixty) days of the issue of this order failing which stringent action will be taken against the respondent company.

Sd/-

Nupur Banerjee
Member