

REAL ESTATE REGULATORY AUTHORITY, BIHAR

2nd Floor, BSNL Exchange Building, Patel Nagar, Patna-800023.

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/335/2021

Rajkumar Vishwakarma.....Complainant

Vs

M/s Grih Aaramabh Developers Pvt. Ltd.....Respondent

Project: Sports City

Present: For Complainant : In person

For Respondent : Mr. Shivam Singh, Advocate

ORDER

05-10-2021

This matter was last heard on 10-09-2021.

The complainant has filed this matter against M/s Grih Aaramabh Developers Pvt Ltd. praying for refund of the booking amount with suitable rate of interest. The case of the complainant is that he had booked two 3BHK flats in the project Sports City for a sum of Rs. 10,08,000/- (Ten lakhs Eight Thousand) per flat and paid Rs. 1,02,000/- (One lakh two thousand) as the booking amounts vide cheque nos. 011862 and 011863 for both the flats. The complainant has placed on record photocopies of the payment receipts along with the complaint. The project was a construction linked plan. The complainant alleged that the respondent company has given false assurances of starting the project and has also not acquired the land for the project. It is alleged that after lapse of 4 years, respondent company has failed to obtain registration from RERA and from competent authority and since they were ignoring the calls of the complainant, a request for refund of the paid amount was made. However the complainant has not filed a copy of the agreement of sale.

Perused the record of the case. No reply to the complaint has been filed by the respondent company. However, the respondent company appeared on the last date of hearing through its Learned Counsel and submitted that booking of flats by paying small amount of Rs. 51,000/- (Fifty One Thousand) is unacceptable. The respondent company further submitted that the complainant has neither approached the respondent company for cancellation of the booking nor has sent any communication to the respondent company.

The complainant had admitted on the last hearing that they had not made any request for refund to the respondent and had filed this matter.

The Bench felt that the action of the complainant in filing the case before the Authority without first approaching the respondent company is by itself sufficient to dispose this matter as premature and non-maintainable. However after being given an opportunity the complainant has sent email communications to the respondent company on 10/9/2021 and 17/9/2021. The respondent company has replied vide its e-mail of 5/10/2021 that they are willing to cancel the booking and refund the amount in easy instalments.

Under these circumstances no further directions are required from the Authority at this stage. The complainant is at liberty to approach the Authority if the refund is not made to him.

With these directions the matter is disposed of.

Sd/-
Naveen Verma
Chairman