

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Full Bench of Mr Naveen Verma, Chairman, Mr R.B. Sinha &**  
**Mrs Nupur Banerjee, Members**

**Case no. RERA/CC/1147/2020**

**Sanjay Kumar Verma..... Complainant**

**Vs**

**M/s Nissa Realtors Pvt Ltd.....Respondent**

**PROJECT: Ghar Apna**

**Present: For Complainant: In person**

**For Respondent : Mr AK Singh, Advocate**

**ORDER**

**27-10-2021**

The matter was last heard along with the batch of cases before the full bench on 26- 07-21.

The case of the complainant is that he booked a 2BHK flat B/306 in Ghar Apna on 20.04.2010. The total consideration amount of the Flat was Rs. 19,96,923/-. The complainant submitted that he had paid Rs. 13,29,686.72 till 26.12.2012. The complainant alleged that he has been cheated and his flat has been sold to 3 (three) different persons. The complainant prays for refund of the booking amount with interest since the same flat has been booked to different persons.

Perused the records of the case. The respondent company has filed its reply wherein they have submitted that since the complainant did not pay the entire consideration amount, the flats were sold out to other buyers in 2013. The respondent company have also stated in their reply that they are ready to refund the principal booking amount to the complainant in 12 months since the respondent company is facing financial hardship.

After hearing both the parties and perusing the record, the Bench observes that even though the respondent company is ready and willing to refund the amount to the complainant and other allottees, this case is fitmatter for police investigation as the matter involves siphoning of fund by the deceased MD of the respondent company. It has been observed that a letter was sent to the respondent company on 03/03/2021 to submit certain information but they have done nothing in this regard.

The Bench directs the respondent company to submit the payment schedule of the refund to the complainant of the principal amount of Rs. 13,29,687/- The

Bench further directs the respondent company to pay the above amount to the complainant along with interest on such amount 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 receiving the payment till the date of making payment within a reasonable timeframe. The complainant is at liberty to move for compensation before the Adjudicating Officer.

The Bench grants liberty to the complainant to approach the Authority under relevant sections of the Act in case the respondent company fails to make the refund within the proposed time.

With these directions the matter is disposed of.

Sd/-

**Nupur Banerjee**  
Member

Sd/-

**R.B. Sinha**  
Member

Sd/-

**Naveen Verma**  
Chairman