

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S.D. Jha, RERA, Bihar,

RERA/CC/13/2024

Sunita Devi Complainant

Vs.

M/s Ghar Lakshmi Pvt. Ltd. and Ors.Respondent

For the complainant: Mr. Punit Kumar, Advocate

For the Respondent: Mr. Sujit Chandra Kesari, Representative,

Project:- INCOME TAX RESIDENCY, BLOCK – B

ORDER

25.07.2024 Hearing taken up. Mr. Punit Kumar, Advocate, appears for the complainant. Mr. Sujit Chandra Kesari, representative of the respondent – company, appears for the respondent by filing authorization letter.

2. Learned counsel for the complainant submits that the complainant booked Flat no.304 in Block –B of the project “Income Tax Residency” on consideration amount of Rs.24,00,000/- out of which she paid Rs.13,45,000/-. The flat was to be handed over within the specified time but till date neither the flat has been handed over nor refund has been made. The complainant has filed this complaint for refund of principal amount along with interest. He also submits that the complainant had sent legal notices dated 6.9.2023 & 18.10.2023 to respondent to refund the amount which were not replied.

3. The representative of the respondent company requests for six months' time to refund the money of the applicant, which is not accepted in view of the fact that vide proceeding dated 21.06.2024 he was granted two weeks' time, as requested, to file counter reply with further observation that in case of non-compliance, it would be presumed that the respondent has nothing to say in this matter and an order would be passed on the basis of material available on the record. It was also observed that no further adjournment would be given in this case.

4. Perused the record. The Authority observes that the respondent has neither honoured the commitment to handover the flat to the complainant within the time granted nor has refund the money in spite of request being made by the complainant. The Authority also observes that the respondent – promoter wants to linger the matter as vide proceeding 21.06.2024, as requested, he was directed to file counter reply within two weeks with observation that in case of non-compliance, it would be presumed that he has nothing to say in this matter and an order would be passed on the basis of material available on the record. It was also observed that no further adjournment would be given in this case but till date the counter reply has not been filed. Taking into consideration the hardship being faced by the complainant and non-cooperative attitude of the respondent, the Authority does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself.

5. In the backdrop of the submissions made on behalf of the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Directors Mr. Rahul Kumar, Mr. Suraj Kumar & Mr. Manoj Kumar to refund the amount of Rs.13,45,000/- to the complainant along with interest within sixty days of issue of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates of the State Bank of India on the date on which the amount becomes due till the date of payment.

6. The complainant is at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer, RERA.

With the aforesaid observation and direction, this case is disposed of.

**Sd/-
S.D. Jha,
Member**