

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10,
Patna -800023

Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Members

Complaint Case No.: CC/257/2021

Surendra Kumar Lal.....Complainant

Vs.

M/s Indra Naman Engicon Pvt. Ltd.....Respondent

Project: Om Tower

ORDER

01-02-2022 The matter was last heard before the Double Bench on
18.01.2022.

The case of the complainant is that he had entered into an agreement with the respondent company through its Director Mr. Vishal Sanjay Bariyar on 26-11-2017 for the sale of 3 bed room flat, bearing 1132 sq.ft. for a total consideration of Rs.28,87,732/-. In addition the complainant had to pay Rs.1 lakh towards development and Rs.1.5 lakh for car parking. It has been further submitted that the complainant had paid Rs.7,33,772 as advance amount through cheque/demand drafts on different dates However, although the respondent was required to complete the project within 3.5 years as per agreement, even after 2.5 years, the complainant did not find any progress in the project. The complainant then requested the

respondent for refund who agreed to refund the same in installments and had given a cheque bearing no.000020, dated 20-09-2020 for Rs.7.32 lakh . Since the cheque was not honored by the bank, the complainant sent legal notice, lodged FIR also and later filed money suit also which was subsequently withdrawn. The present case has been filed seeking the refund of the advance amount paid with interest and compensation.

The complainant has placed on records money receipts dt.02-08-2017 for Rs.2,88,732, dt.30-08-2017 for Rs.2,50,000/-, dt.13-09-2018 for Rs.1,00,000/-, dt.12-10-2020 for Rs.1,00,000/-, totaling to Rs.7,38,732/-, in respect to payments made to respondent company. Further, the complainant has placed on record agreement dt.26-11-2017, copy of legal notice dt.10-10-2020, copy of FIR dt.05-11-2020, copy of money suit dt.11-01-2021 and copy of return memo dt.30-09-2020.

Perused the records of the case. The respondent company has not filed any specific reply but through mail dt.15-09-2021, had informed and admitted the receipt of advance amount of Rs.7,33,772/- and had requested to grant 9 months' time to refund the same to complainant.

During the last hearing on 18-01-2022, the complainant submitted that an IA has also been filed. However, the Bench observes that IA has been found on record.

The Bench takes note of the submission of the respondent that they are willing to refund the deposit made by the complainant.

On the basis of the submissions and taking into consideration the documents filed by the parties, the Bench directs the respondent company and its Directors to refund the advance amount paid i.e. Rs.73,3,772/- 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 from the date of taking the booking till repayment within sixty days of issue of this order.

The complainant is at liberty to press his claim for compensation before the Adjudicating Officer.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman