

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Member
Mr. S.D. Jha, RERA, Bihar.

RERA/CC/333/2021

RERA/AO/166/2021

Chinmay Prakash Jha & Vinita Jha.....Complainant

Vs.

M/s Sri Anuanand Construction Pvt. Ltd.Respondent

PROJECT: SAI ENCLAVE BLOCK - K

For Complainants: Sri Digvijay Kumar Ojha, Advocate

For Respondent: Sri Manoj Kumar Ojha, Advocate

ORDER

06.02.2023 Hearing taken up. Sri Digvijay Kumar Ojha, Advocate, appears for the complainants. Sri Manoj Ojha, Advocate, appears for the respondent.

Learned counsel for the complainants submits that the complainants booked a flat in the project in the year, 2020 on consideration amount of Rs.53,51,000/-, out of which they paid Rs.18,30,000/- through cheques and the last payment was made on 22.06.2020. Acknowledgement receipts of payment of money were issued by the respondent – company. Thereafter, the builder did not enter into a written agreement for sale taking plea of delay in completion of the project and thereby the respondent defrauded the complainants. Hence, the complainants want refund of the money paid to the respondent along with interest and compensation.

Perused the record. The Authority observes that the respondent - company has not only dishonoured the commitment made to the complainants of entering into written agreement for sale after having received money but also committed breach of trust. Considering the indifferent and non-cooperative attitude of the respondent – promoter as well as the difficulties being faced by the complainants, the Authority does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself.

In the backdrop of the submissions advanced on behalf of the complainants and on going through the material available on the record, the Authority directs the respondent company and its Director to refund the principal amount as well as service tax of Rs.18,30,000/- to the complainants along with interest within sixty days of issue of this order. The interest would be paid at the rate of Marginal Cost of Fund Based Lending Rates (MCLR) of the State

Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund.

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

With the aforesaid observations and directions, this case is disposed of.

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