

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

**RERA/CC/396/2023**

**Nibha Kumari ..... Complainant**

**Vs.**

**M/s Palviraj Construction Pvt. Ltd..... Respondent**

**For the complainant: Mr Punit Kumar, Advocate**

**For the Respondent: Ms. Kriti Suman, Advocate**

**Project:–GOA CITY**

**ORDER**

**13.05.2024** This case has come on transfer from the Conciliation Forum, RERA.

Hearing taken up. Mr Punit Kumar, Advocate, appears for the complainant through virtual mode. Ms. Kriti Suman, Advocate, appears for the respondent.

2(i). Learned counsel for the complainant submits that the complainant had booked Flat no.103 on 1<sup>st</sup> floor in Block – C of 864 sq. ft. in the project Goa City, situated at Mainpura, Patna, with covered parking on consideration amount of Rs.14,00,000/- out of which the complainant paid Rs.4,00,000/- and acknowledgement receipt thereof was issued, which is on the record. He further submits that the flat was to be handed over within the specified time but the same was not handed over. Hence, the complainant has filed this complaint for refund of money.

(ii) He further submits that in the proceeding dated 22.11.2023 before the Conciliation Forum, RERA, the respondent had agreed to refund the principal amount to the complainant in installments but till date only Rs.35,000/- (Rs.25000/- + Rs.10,000) has been refunded which finds mention in the proceedings dated 8.1.2024 & 11.3.2024 before the Conciliation Forum and thereafter remaining amount of

Rs.3,65,000/- has not been refunded. The complainant requests for refund of the said amount with interest.

3. Learned counsel for the respondent requests that the respondent may be granted four months' time on the ground of financial crunch to refund the remaining amount of Rs.3,65,000/-, which is opposed by the complainant's counsel by stating that sufficient time has already been granted to the respondent – promoter earlier in the conciliation proceedings but he failed in honouring the commitment.

4. Perused the record. The Authority observes that the respondent is unnecessarily delaying refund of the remaining amount to the complainant. The Authority, therefore, 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 Director Mr. Sanjeev Kumar Shrivastav to refund the remaining amount of Rs.3,65,000/- 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.

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**