

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

RERA/CC/535/2019

RERA/AO/129/2019

Smt. Rina Singh

...Complainant

Vs.

M/s Silverpoint Engicon Pvt. Ltd. ...Respondent

Project: - Sachida Apartment

ORDER

20.12.2022

22.12.2022

The matter was last heard on 13.12.2022.

The matter has been filed by the complainant against M/s Silverpoint Engicon Pvt. Ltd. through its Director, Shri Virendra Kumar for refund of the paid amount along with interest and compensation.

The case of the complainant is that she entered into an agreement of sale with the respondent Company on 23.12.2014 for a flat No. C/3 measuring 1290 Sq. ft. in the project for a consideration amount of Rs. 59,00,000/-. The complainant has submitted that she had paid Rs. 58.10 lacs but the same flat was sold to some other person. She had filed a copy of MOU and sale deed executed by the Respondent company to Smt. Neha Kumari and M/s Sonu Kumar on 24.07.2020. She has submitted that a criminal case was also filed against the Respondent.

Perused the record. The order of the Hon'ble Patna High Court passed in Cr. Misc. No. 36973 of 2019 is on record, from which it appears that the respondent Director had sought to transfer the said flat by executing an agreement to sale in favour of Smt. Pushpa Kumari and one Pankaj Sinha and hence his prayer for anticipatory bail was rejected.

The learned Adjudicating Officer has issued notice to the respondent but as they were not appearing before his Court, public notice was issued in the newspaper. The record shows that on 07.04.2021 the Respondent was present through the learned counsel who had sought time for filing reply, however, the Respondent has subsequently absent and hence, an ex-parte order is being passed.

The complainant has also filed a copy of MOU, sale deed executed by agreement of sale in her favour on 23.12.2014. Subsequently, the respondent company had entered into an agreement for sale of the same flat No. C-3 in the project to Smt. Pushpa Kumari and one Pankaj Sinha on 08.04.2015. The complainant has filed the copies of both the agreement, sale deed and Bank statement along with attached account showing the amount paid to the respondent company.

The Authority notes that since the respondent company has not filed any reply, the claim of the complainant having paid Rs. 52.50 lacs is admitted.

Taking into view the submissions made by the complainant the Authority hereby directs the respondent company through its Director Shri Virendra Kumar is directed to refund the principal amount of Rs. 52.50 lacs deposited by the complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus five percent from the date of deposit till the date of refund within sixty days of issue of this order.

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

With these directions and observations, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)