

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/144/2022

Jyoti Jyotshna

...Complainant

Vs.

M/s Unibera Group Ltd.

...Respondent

Project: R R Complex

06/04/2023

ORDER

In this matter, the complainant booked a residential flat bearing Flat No. 201, 2nd Floor in R.R.Complex at Jamadar Singh Chowk, Ramdayalu Road, Muzaffarpur having super built up area of 1654 sq.ft. and one reserved car parking space on the basement for a consideration of Rs.54,51,450/- against which he has paid Rs.38,16,015/- through different cheques for which an agreement for sale was made between the complainant and the respondent company on 23.01.2018. As per the agreement, the flat was to be handed over in the month of December, 2020 but there was no substantial progress in the project. Thereafter the complainant visited the site several times but it was found that the work was totally stopped. Finding no way out, the complainant sent legal notice to the respondent but till date they have not responded to the said legal notice. Therefore, she has prayed to direct the respondent to complete the construction of the flat and hand over the physical possession of the said flat in terms of the registered agreement for sale or in alternative, to refund the principal amount of Rs.38,16,015/- to the complainant with interest and compensation.

The complainant has placed on record the copy of the development agreement, agreement for sale and the money receipts.

Perused the record. No reply has been filed by the respondent.

On the last date of hearing the complainant reiterated her prayer for refund with interest and compensation.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench so, order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the consideration amount paid by the complainant in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.38,16,015/- to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of taking booking till the date of refund within sixty days of issue of this order.

As regards compensation, the complainant is at liberty to file a case before the Adjudicating Officer as per provisions of the Act.

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

Sd/-
Nupur Banerjee
(Member)

