

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

Case No: RERA/CC/55/2021

Awadhesh Kumar

...Complainant

Vs.

M/s Realize Realcon Pvt. Ltd.

...Respondent

Project: Realize Signature City

31/03/2023

ORDER

In this matter, the complainant booked a flat in Realize Signature City for which an agreement was made between the complainant and the respondent company on 8th August, 2017. As per the agreement, he paid Rs.5.00 lakh out of total consideration of Rs.16 lakh. As per clause 5, the builder promised to hand over the flat before December, 2018 but even the foundation has not been laid at the proposed site. It is stated that after repeated request the builder issued a post-dated cheque of Rs.5.00 lakh but on presentation it was dishonoured. It later on came to the notice that the Bank account was frozen by RERA. As such, the builder deceived the complainant by issuing a cheque from a frozen account. Therefore, he has prayed for refund of the amount 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 his 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.5.00 lakh 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)**

