

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/311/2024

Shashi Bhushan Prasad Complainant

Vs.

M/s Dream Heavens Homes Pvt. Ltd.Respondent

For the complainant: In person

For the Respondent: None

Project:—APNA BASERA

ORDER

17.09.2024 Hearing taken up. The complainant appears in person. The respondent is absent.

2. The complainant submits that he booked a flat in the project "Apna Basera" located at Motihari on 08.09.2014 by making payment of Rs.6,35,840/-. The flat was to be delivered within 24 months but till date the same has not been delivered. Consequently, he requested the respondent – builder to cancel booking and refund his money but there is no positive response at the end of the builder so far. He further submits that he has already sent cancellation letter to the respondent by mail on 06.09.2024 in compliance of the proceeding dated 03.09.2024, a copy of which is kept on the record, but there is no response from the respondent so far. He requests for refund of money along with interest.

3. Perused the record. The Authority observes that the respondent - promoter neither honoured the commitment made to the complainant of handing over of flat within the specified time nor is showing interest in getting this case disposed of by appearing in this case in spite of sufficient opportunities given to him as well as notice issued on 04.09.2024, wherein, it was specifically mentioned that in case of non-appearance/non-

compliance, it would be presumed that the respondent has nothing to say in this matter and an order would be passed on the basis of material available on the record. It further appears from the record that from the very inception the respondent – promoter has not been cooperating in this case as he neither appeared before the Conciliation Forum nor the Authority. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself.

4. Taking into consideration the submission made by the complainant and going through the material available on the record, the Authority directs the respondent - company and its Managing Director Mr. Vivekanand Pandey to refund the principal amount of Rs.6,35,840/- 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.

5. The complainant is at liberty to press other claims, if any, which are in the nature of compensation before the Adjudicating Officer, RERA.

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

**S.D. Jha,
Member**