

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr Naveen Verma, Chairman

Case No.CC/216/2019

Subodh KumarComplainant

Vs

M/s Agrani Homes Pvt. Ltd.Respondent

Project: Agrani IOB Nagar

12/09/2022

O R D E R

Hearing taken up. Both the parties are absent.

This matter has been filed for refund along with interest and compensation as the respondent has not handed over the booked Flat No. 604 in IOB Nagar, Main Phase, I Block. The complainant has stated that Rs.20.74 + 3.11 lakh has been disbursed to Agrani Homes.

The complainant has filed a copy of Agreement for Sale executed on 09.12.2016 in which the consideration amount is mentioned as Rs.31,14,100/-. The complainant has filed a copy of the Bank statement.

The respondent has sent a petition by e-mail stating that he has not got the copy of the complaint petition. A copy of the petition has again been sent after the last date of hearing i.e. 17.08.2022. The respondent has not filed any reply.

The Authority observes that on the last date the complainant has submitted that he has paid Rs. 24 lakhs.

The Authority observes that the allottee ought to have sent a letter of cancellation to the promoter and he should have approached the Authority only if there was no response or refund was not given. However, since the matter has been heard and pending since 2019 orders are being passed on the basis of submissions and documents on record.

The Authority takes note that the respondent has not filed any reply to the complaint petition and therefore, despite the fact that this has been heard along with other batch of cases on a number of

occasions, in view of this, the submission made by the complainant is admitted.

The Authority directs the respondent company and its Directors to refund the principal amount of Rs. 23.85 lakh and the service tax paid by the complainant along with interest calculated @ MCLR of SBI as applicable for three years or more plus 2% within 60 days of issue of the order.

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

With the above observations and directions, this petition is disposed of.

Sd/-
Naveen Verma
Chairman