

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/236/2021

Abhishek Arun

...Complainant

Vs.

M/s Rukmini Buildtech Ltd.

...Respondent

Project: - Chatrapati Shivaji Greens

ORDER

29.08.2022

The matter was last heard on 01.08.2022

The case of the complainant is that he booked a flat in the project Chatrapati Shivaji Greens in 2016. He has stated that he has paid Rs. 9,01,111/-. He stated that as the respondent failed to handover the possession, the complaint has been filed for refund with interest.

The complainant has placed on record copy of account statement, registered agreement for sale dated 19/02/2016, money receipts for Rs. 11,01,111/- and account statement.

Perused the record. The respondent has filed development report of the project.

On the last date of hearing the complainant reiterated his requests for refund with interest.

The Bench notes that the respondent failed to appear despite notice was issued to the respondent. The Bench recalls that the learned counsel for the respondent was present on hearing dated 21-06-2021.

The respondent has not challenged the submission and prayer of the complainant.

The Bench notes that a notice dated 25-07-2022 was issued to the respondent show causing as to why penalty not be imposed upon them for violating section 11(1) of the RERA, Act

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

Having heard the submission of both the parties the Authority hereby directs the respondent company and its Director to refund the principal amount of Rs. 9,01,111/- to the complainant along with interest at the rate of marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years plus 2% percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)