

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

Case No: RERA/CC/891/2020

Rajeev Kumar

...Complainant

Vs.

Realize Realcon Pvt. Ltd.

...Respondent

Project: Realize Green Exotica

25.08.2022

29.08.2022

ORDER

This matter was last heard on 01.07.2022.

The case of the complainant is the he booked a flat in the project Realize Green Exotica on 11.04.2017. The complainant has stated that he has paid Rs.12,00,000/- but as the respondent failed to handover the flat, the complaint has been filed for refund of paid consideration with 18% interest and compensation.

The allottee has placed on record copy of money receipt dated 19.01.2016 for Rs.2,50,000, money receipt dated 08.08.2016 for Rs.2,00,000, money receipt dated 19.09.2016 for Rs.2,50,000, money receipt dated 09.04.2018 for Rs.3,00,000, money receipt dated 14.05.2019 for Rs.2,00,000 issued by the respondent company against the payment and copy of booking form in the of the complainant.

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

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 30-09-2021. The respondent has not challenged the submission and prayer of the complainant.

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, the claim of the allottee is admitted and 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. 12,00,000/- 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 1% percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating Officer for compensation as provided in the RERA Act, 2016.

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

Sd/-
Naveen Verma
(Chairman)