

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/1212/2020

Shailendra Kumar.....Complainant

Vs

Agrani Homes Pvt.Ltd.....Respondent

Project: IOB Nagar, Block-Q

10.06.2022

ORDER

The matter was last heard on 18.05.2022.

The case of the complainant is that he booked a flat, Block- Q in the project “IOB Nagar” for total consideration of Rs.18,55,620/- against which he paid Rs.16,00,000/- in 2014 to the respondent. The complainant has alleged that construction work has not been started; the respondent has not executed the registered deed and failed to hand over the possession of the flat till date. Hence, he filed this case and prayed for a refund of the amount paid along with 18 %interest and compensation for physical and mental harassment and financial constraint.

The complainant has placed on record a copy of KYC, money receipts of Rs.16,00,000/-duly acknowledged by the respondent company.

Perused the records. The Bench notes that the respondent has not filed any reply despite directions to approach the complainant regarding the alternate proposal for flat/ land within a week and submit their response.

The complainant prayed for the refund of the amount paid along with the interest.

The Bench notes that the application for the registration of the project IOB (M to Q) has already been rejected by the Authority on 27.08.2022.

The Bench observed that the respondent has failed to appear before the Authority, despite notice having been sent. In such a situation the Bench decided to pass order ex-parte as none of the Directors or legal representative of the respondent company were present during the course of hearing.

The Bench hereby directs the respondent company and its Director to refund the principal amount of Rs.16,00000/- (Rupees Sixteen Lakh Only) 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 three percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

So far as the claim of compensation is concerned, the complainant is at liberty to press

his claims before the court of the Adjudicating Officer.

With these directions, the matter is disposed of.

Sd/-

Naveen Verma
(Chairman)