

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble

Member Mr. S.D. Jha, RERA, Bihar,

RERA/CC/1219/2021

Sadhna Kumari..... Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd Respondent

For the Complainant: Mr. Ravi Ranjan, Advocate

For the Respondent: None

Project: AGRANI P.G. TOWN

ORDER

24.02.2023 Hearing taken up. Mr. Ravi Ranjan, Advocate, appears for the complainant. The respondent is absent. On the last date i.e. 22.2.2023 also, the respondent was absent in spite of the notice issued on 9.2.2023 by the office of the Authority.

Learned counsel for the complainant submits that the complainant booked a flat in the project on consideration amount of Rs.17,50,000/-, out of which she paid Rs.13,36,000/- through cheques dated 31.10.2017, 2.11.2017, 8.11.2017, 20.11.2017 & 30.1.2018 respectively. The flat was to be handed over within the time frame but the respondent failed in handing over the possession within the time granted. Hence, the complainant wants refund of the amount with interest and compensation. He further submits that the complainant sent cancellation letter through mail to the respondent earlier and has sent today also.

Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of completing the project within the time granted nor is showing interest in getting this case disposed of by appearing in the case in spite of the notice issued by the office on 9.2.2023. It was specifically mentioned in the notice as well as the order dated 7.2.2023 that in case of non-compliance/ non-appearance on the next date, the matter will be disposed of on merit on the basis of the material available on the record. 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.

In the backdrop of the submissions advanced on behalf of the complainants and on going through the material available on the record, the Authority directs the respondent - company and its Director to refund the

principal amount of Rs.13,36,000/- 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 (MCLR) of the State Bank of India on the date on which the amount becomes due till the date of payment.

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

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

Sd/-
S.D. Jha
Member