

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble Member

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

RERA/CC/1472/2020

RERA/AO/462/2020

Mr. Manoj Kumar.....Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.Respondent

PROJECT: AGRANI P.G. TOWN

For Complainant: Sri Mritunjay Harsh, Advocate

For Respondent: None

ORDER

06.02.2023 Hearing taken up. Sri Mritunjay Harsh, Advocate, appears for the complainant by filing Vakalatnama. The respondent is absent. On the last date i.e., 19.1.2023 also, the respondent was absent.

Learned counsel for the complainant submits that the complainant entered into a memorandum of agreement with the respondent on 15.12.2016, a copy of which is attached with the complaint, to purchase a flat on consideration amount of Rs.16,00,000/- , out of which he paid Rs.14,00,000/- and service tax of Rs.63000/- through cheques dated 11.8.2016,17.09.2016, 24.9.2016 & 21.10.2016 respectively, copies of which are annexed with complaint. The flat was to be handed over within the time frame but still the project has not been completed. Hence, the complainant wants refund of the money paid to the respondent along with interest and compensation.

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 notices issued. In fact, it was clearly mentioned in the last notice dated 19.01.2023 that "In case of non-compliance, the order will be passed on merit on the basis of the material available on the record." Considering the indifferent and non-cooperative attitude of the respondent – promoter as well as the difficulties being faced by the complainant, 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 complainant and on going through the material available

on the record, the Authority directs the respondent company and its Director to refund the principal amount as well as service tax of Rs.14,63,000/- to the complainant along with interest within sixty days of issue of this order. The interest would be paid at the rate of Marginal Cost of Fund Based Lending Rates (MCLR) of the State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund.

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