

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Division Bench of

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

RERA/CC/1613/2020/RERA/AO/545/2020

Mr. Satish Kumar Sinha.....Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT: IMPULSE ENCLAVE

For Complainant: Mr. Satish Kumar Sinha, In person.

For Respondent: None

ORDER

19.01.2023 Hearing taken up. The complainant is present. The respondent is absent. The record further reveals that in the earlier proceeding held on 8.11.2022 & 20.12.2022 before the Adjudicating Officer, the respondent was also absent.

The complainant submits that he booked a flat in the project in the year 2013 on consideration amount of Rs.19,58,710/- . He paid the total amount of Rs.19,58,710/- and in support thereof he has filed money receipts, which are on the record. He further submits that the respondent had assured the complainant that the project will be completed within three years from the date of booking , but still after passing of seven years the respondent – promoter has not handed over the possession of the flat. Hence, the complainant requests for refund of the amount with interest.

Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of completing the project within three years from the date of booking nor is showing interest in getting this case disposed of by appearing in the case in spite of notices issued earlier by the Adjudicating Officer. 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 by 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 of Rs.19,58,710/- 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