

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble
Member Mr. S.D. Jha, RERA, Bihar,**

RERA/CC/1757/2020

RERA/AO/612/2020

Mr. Santosh Kumar Gupta Complainant

Vs.

M/s Grih Vatika Homes Pvt. Ltd. Respondent

For the Complainant: Mrs. Shashi Gupta, Wife,

For the Respondent: None

PROJECT: GREEN VATIKA

ORDER

13/02/2023 Hearing taken up. Mrs. Shashi Gupta, Wife of the Complainant, appears. The respondent is absent.

The wife of the complainant submits that the complainant booked a flat in the year 2015 on consideration amount of Rs.27,00,000/-, out of which he paid Rs.6,75,000/- which was duly acknowledged by the respondent - company by issuing money receipts and KYC and the same are annexed with the complaint. The flat was to be handed before February, 2018, but till date the work of the project has not started and the respondent – promoter has stopped in giving response to the calls. On getting harassed with the negative attitude of the respondent – company, the complainant applied for cancellation of booking of the flat and requested for refund of the money, upon which the respondent – promoter returned only Rs.1,00,000/- and the remaining amount of Rs.5,75,000/- is still lying with the respondent. Hence, she reiterates for refund of the money 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 on the date fixed. On the last date of hearing on 31.01.2023, it was clearly mentioned in the proceeding that “In case of non-compliance, the case would be disposed of on merit on the basis of 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.

On going through the material available on the record, the Authority directs the respondent - company and its Director to refund the remaining amount of Rs.5,75,000/- 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 Rate of State Bank of India prevailing 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