

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S.D. Jha, RERA, Bihar,

RERA/CC/176/2022

Dr. Kumud Kamini..... Complainant

Vs.

M/s Bhootesh Construction Pvt. Ltd. Respondent

For the complainant: Sri Deepak Kumar, Advocate

For the Respondent: None

Project: PRAKRITICK BIHAR

ORDER

16.03.2023 Hearing taken up. Sri Deepak Kumar, Advocate, appears for the complainant. The respondent is absent. On the last date i.e. 1.3.2023 also , the respondent was absent. The record further reveals that the respondent was also absent in the conciliation proceedings held before the Conciliation Forum on 13.4.2022, 25.4.2022 & 17.5.2022 respectively.

Learned counsel for the complainant submits that the complainant entered into a Deed of Agreement for Sale with the respondent in the year, 2018, to purchase 26 flats in the project on consideration amount of Rs.2,40,00,000, out of which the complainant paid Rs.2,30,00,000/-. The flats were to be handed over within the time frame as per agreement, but the respondent failed in handing over the possession within the time granted because the project has still not been started. Hence, the complainant wants 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 in spite of notices issued on 21.2.2023 & 03.03.2023. It was specifically mentioned in the proceeding dated 01.03.2023 as well as notice dated 03.03.2023 that in case of non-appearance, the case would be disposed of on merit on the next date 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.

In the backdrop of the submissions made by the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Directors to refund the principal amount of Rs.2,30,00,000/- 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