

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble

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

RERA/CC/1831/2020

RERA/AO/638/2020

Mrs. Kanak Lata Kunj Complainant

Vs.

M/s Manik Realtors Pvt. Ltd. Respondent

For the Complainant: Mr. Ravi Bhushan Prasad Singh, Advocate

For the Respondent: None

Project: N/A

ORDER

23.02.2023 Hearing taken up. Mr. Ravi Bhushan Prasad Singh, Advocate, appears for the complainant. The respondent is absent. On the last date i.e. 31.1.2023 also the respondent was absent. The record further reveals that the respondent was also absent in the proceedings held before the Adjudicating Officer.

Learned counsel for the complainant submits that the complainant had entered into an oral agreement to purchase a flat in the project on 30.8.2019 on consideration amount of Rs.24,00,000/-, out of which she paid Rs.15,70,000/-. Thereafter, the respondent did not execute the registered agreement for sale on one pretext or the other and later on closed its office. He further submits that after filing the present complaint the respondent has refunded Rs.1,00,000/-. He reiterates the claim for refund of the remaining amount of Rs.14,70,000/- along with interest and compensation. He also submits that the cancellation letter has already been sent through mail to the respondent and a copy thereof has been submitted to the office of the Authority.

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 31. 1.2023 that "In case of non-compliance/non-appearance, the case will be disposed of 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 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 remaining amount of Rs.14,70,000/- to the complainant along with interest @ Marginal Cost of Fund Based Lending Rates (MCLR) of the State Bank of India as applicable for three years plus 3 % from the date of booking of the flat till the date of refund within two months from the date of this order.

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