

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/1869/2020

RERA/AO/669/2020

Mr. Aklabya Kumar..... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

For the complainant: In person

For the Respondent: None

Project: AGRANI P.G. TOWN

ORDER

14.03.2023 Hearing taken up. Mr. Aklabya Kumar, complainant, is present. The respondent is absent. On the last date i.e. 24.2.2023 also, the respondent was absent. The respondent was also absent in the proceeding held on 23.12.2022 before the Adjudicating Officer.

The complainant submits that he booked a flat in the project in the year, 2017 on consideration amount of Rs.17,68,000/-, out of which he paid Rs.15,68,000/- The flat was to be handed over within the time frame, but the respondent still failed in handing over possession. Hence, he wants refund of the principal amount along with interest and compensation. He further submits that he has already sent cancellation letter to the respondent in the year, 2020.

Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of completing the project and handing over the plot within the time granted nor is showing interest in getting this case disposed of by appearing in the case in spite of notice issued 24.2.2023. It was clearly mentioned in the notice that in case of non-compliance/non-appearance, the case will be disposed of on the next date 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.

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.15,68,000/-, 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