

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/228/2022

Mr. Ved Prakash..... Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd. Respondent

For the complainant: Mr. Ishtyaq Hussain, Advocate

For the Respondent: None

Project: AGRANI SARITA KUNJ

ORDER

15.03.2023

Hearing taken up. Mr. Ishtyaq Hussain, Advocate, appears for the complainant without filing Vakalatnama. He assures that he would file Vakalatnama today itself. The respondent is absent. The respondent was also absent in the conciliation proceeding held on 13.6.2022 & 22.6.2022 respectively.

Learned counsel for the complainant submits that the complainant booked a flat on 25.6.2019 in the proposed project on consideration amount of Rs.18,00,000/-, which was paid by him by SBI & PO Cheques on 27.6.2019, 22.6.2019, 20.8.2019 & 28.8.2019 respectively. The flat was to be handed over within the time frame but till date neither the proposed project has been constructed nor any alternative offer in the locality with same terms and conditions has been given. Hence, the complainant has sent a cancellation letter to the respondent requesting to pay the entire amount along with interest and compensation, a copy of which has been filed today, which is kept on the record.

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 notice issued 2.2.2023. 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 on behalf of 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.18,00,000/- 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