

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/254/2022

Mr. Sanoj Kumar Nirala..... Complainant

Vs.

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

For the complainant: Mr. Ishtyaque Hussain, Advocate

For the Respondent: None

Project: PRAKIRTI VIHAR

ORDER

20.03.2023 Hearing taken up. Mr. Ishtyaque Hussain, Advocate, appears for the complainant. The respondent is absent. It appears from the record that the respondent also did not appear in the conciliation proceeding held before the Conciliation Forum on 4.7.2022 & 20.7.2022 respectively.

Learned counsel for the complainant submits that the complainant booked plot no.719 of an area 1500 sq. ft., in the proposed project located at Sonepur, on consideration amount of Rs.6,34,000/-, out of which he paid Rs.3,20,000/- on different dates in the year, 2015 and thereafter a Memorandum of Understanding was signed on 8.5.2015, wherein, it was mentioned that the project would be completed within a time frame, but even after expiry of more than 7 years the respondent has failed to hand over possession of the plot and thereafter the complainant had sent a letter of cancellation to the respondent on 15.6.2020 with request to refund the money, but the respondent did not respond. Hence, the complainant requests for refund of the amount along with interest.

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 on 7.3.2023. 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 amount of Rs.3,20,000/- 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, if any, 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