

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of

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

RERA/CC/441/2021/RERA/AO/167/2021

Ganesh Prasad.....Complainant

Vs.

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

PROJECT: AGRANI PRAKRITI VIHAR

For Complainant: Miss. Kriti Suman, Advocate.

For Respondent: None

ORDER

20.01.2023 Hearing taken up. Miss. Kirti Suman, Advocate, appears for the complainant. The respondent is absent in spite of summons issued. On the last date (3.1.2023) also the respondent was absent. The record further reveals that in the earlier proceeding held on 18.10.2022 before the Adjudicating Officer also, the respondent was absent.

Learned counsel for the complainant submits that the complainant booked a flat in the project in the year 2015 on consideration amount of Rs.7,96,950/-, out of which he paid Rs.4,51,000/- and in support thereof money receipts acknowledged by the respondent – company have been brought on the record. He further submits that the respondent had assured the complainant that the project will be completed till July, 2019, but still there is no progress in the work and on being called the respondent does not respond. Hence, the complainant requests for refund of the amount 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 notices issued earlier by the Adjudicating Officer also. Considering the indifferent and non-cooperative attitude of the respondent – promoter as well as the difficulties being faced by the complainant, 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 by the complainant and on going through the material available on the record, the Authority directs the respondent company and its Director to refund the principal amount of Rs.4,51,000/- to the complainant along with interest within sixty days of issue of this order. The interest would be paid at the rate of Marginal Cost of Fund Based Lending Rates (MCLR) of the State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund.

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