

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble
Member Mr. S.D. Jha, RERA, Bihar.**

RERA/CC/445/2021

RERA/AO/171/2021

Vivek Kumar.....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

09.02.2023 Hearing taken up. Miss. Kriti Suman, Advocate, appears for the complainant. The respondent is absent. On the last date (27.01.2023) also the respondent was absent. The record further reveals that the respondent was also absent in the proceedings held before the Adjudicating Officer on 21.9.2022 & 18.10.2022.

Learned counsel for the complainant submits that the complainant booked a plot in the year 2015 on total consideration of Rs.8,53,875/-, out of which till February, 2016 he paid Rs.2,01,000/- to the respondent – company and acknowledgement receipts thereof were issued, which are annexed with the complaint. She further submits that the respondent had assured that the project would be completed before July, 2017, but till date work of the project has not been started. Hence, the complainant wants refund of the money already paid to the respondent – company along with interest and compensation.

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 27.01.2023 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 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 remaining amount of Rs.2,01,000/- 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 Rate of State Bank of India prevailing 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