

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble

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

RERA/CC/458/2021

RERA/AO/182/2021

Mr. Shankar Prasad Gupta Complainant

Vs.

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

For the complainant: Mr. Jyoti Prakash, Advocate

For the Respondent: None

Project: AGRANI DAFFODILS CITY

ORDER

28.2.2023 Hearing taken up. Mr. Jyoti Prakash, Advocate, appears for the complainant. The respondent is absent. On the last two dates i.e. 1.2.2023 & 23.2.2023 also, the respondent was absent. The respondent was also absent in the proceeding held on 23.9.2022 before the Adjudicating Officer.

Learned counsel for the complainant by filing cancellation letter sent to the respondent, which is kept on the record, submits that the complainant booked a flat in the project in the year, 2015 on consideration amount of Rs.23,80,000/-, out of which he paid Rs.16,86,000/- between the period from 20.10.2015 to 29.6.2017 and acknowledgement receipts thereof were issued by the respondent which are on the complaint petition. He further submits that the flat was to be handed over within the time frame but even after expiry of prescribed period of time, the respondent did not hand over the flat. Hence, the complainant wants refund of the principal amount 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 1.2.2023 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 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.16,86,000/- 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