

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/473/2023

Mr. Avinash Kumar Choubey Complainant

Vs.

M/s Sri Anuanand Construction Pvt. Ltd.Respondent

For the complainant: Mr. Abhay Kr. Upadhyay, Advocate

For the Respondent: None

Project:- SAI CITY- CAPITAL, ASSORTIA MALL

ORDER

21.06.2024 Hearing taken up. Mr. Abhay Kr. Upadhyay, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant had booked a shop bearing Shop no.60 on 2nd floor having super built-up area of 462.44 sq. fit in the project "Sai City-Capital, Assortia Mall" on consideration amount of Rs.55,00,000/-, out of which he paid Rs.17,32,500/- through cheques dated 29.04.2019 and 10.03.2021. The Agreement For Sale was executed on 12.05.2019. As per Agreement, the possession of the shop was to be handed over after four years of the Agreement but till date possession of the shop has not been handed over. Hence, the complainant requests for refund of his money along with interest. In this connection, the complainant has sent cancellation letter to the respondent by mail and by post on 06.06.2024.

3. The respondent vide proceeding dated 04.06.2024 was issued notice to appear on the next date of hearing i.e. 21.06.2024 with further direction that in case of non-compliance, it will be presumed that the respondent – promoter has nothing to say in this matter and an order would be passed on the basis of the material available on the record, but till date

neither the respondent has appeared nor filed any reply. Hence, the Authority is left with no option but to pass the order on the basis of material available on the record.

4. Perused the record. The Authority observes that the respondent - promoter has neither honoured the commitment made to the complainant in handing over possession of the shop within the time granted nor has shown interest in getting this case disposed of by appearing and filing counter reply in spite of notice issued on 05.06.2024. Considering the hardship being faced by the complainant and non-cooperative attitude of the respondent – promoter, the Authority thinks it appropriate to dispose of this case on the basis of material available on the record and, accordingly, the order is being passed today.

5. Taking into consideration the aforesaid facts and the observations made above, the Authority directs the respondent – company and its Managing Director Mr. Bimal Kumar to refund the principal amount of Rs.17,32,500/- 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 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**