

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble

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

RERA/CC/519/2021

RERA/AO/195/2021

Mr. Avinah Kumar Complainant

Vs.

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

For the complainant: None

For the Respondent: None

Project: AGRANI DAFFODILS CITY

ORDER

28.2.2023 Hearing taken up. Mr. Kishore Kunal, Advocate, who appears for the complainant, has sent a handwritten petition which is on the record. The respondent is absent.

Mr. Kishore Kunal, Advocate, in the petition requests for disposal of the case on the basis of material available on the record as the respondent is not cooperating in the matter in spite of sufficient opportunities given. The said statement of Mr. Kishore Kunal, Advocate, cannot be disputed because of the fact that the record reveals that the respondent remained absent earlier also in all the proceedings either held before the Authority or the Adjudicating Officer.

The case of the complainant is that he booked a flat in the project in the year, 2015 on consideration amount of Rs.30,61,083/-, out of which he paid Rs.3,07,000/- on 11.12.2019 and acknowledgement receipt thereof was issued by the respondent which is on the complaint petition. 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 submission made today by learned counsel for the complainant and 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 aforesaid facts 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.3,07,000/- 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