

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

RERA/CC/523/2021

RERA/AO/198/2021

Mr. Deepak Kumar..... Complainant

Vs.

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

For the complainant: Mr. Kishore Kunal, Advocate

For the Respondent: None

**Project: I.O.C NAGAR**

**ORDER**

14.03.2023 Hearing taken up. Mr. Kishore Kunal, Advocate, appears for the complainant. The respondent is absent. On the last date i.e. 14.2.2023 also, the respondent was absent. The respondent was also absent in the proceedings held on 29.9.2022 before the Adjudicating Officer.

Learned counsel for the complainant submits that the complainant had booked a plot in the project in the Year, 2014 on consideration amount of Rs.8,24,720/-, which was paid on 15.6.2013 & 23.10.2013 through SBI Cheques. The plot was to be handed over within the time frame, but the respondent still failed in handing over possession. Hence, the complainant wants refund of the principal amount along with interest and compensation. On query, he submits that cancellation letter has not been sent to the respondent because the project has still not been started and the application for registration of the project has already been rejected.

Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of completing the project and handing over the plot within the time granted nor is showing interest in getting this case disposed of by appearing in the case in spite of notice issued 14.2.2023. It was clearly mentioned in the notice that in case of non-compliance/non-appearance, the case will be disposed of on the next date on merit 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 made on behalf of the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Director, namely, Mr. Alok Kumar to refund the principal amount of Rs.8,24,720/-, 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**