

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/588/2021

RERA/AO/224/2021

Sri Anuj Kumar Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

For the Complainant: Mr. Kishore Kunal, Advocate

For the Respondent: None

Project: I.O.B. NAGAR, DANAPUR

ORDER

27.02.2023 Hearing taken up. Mr. Kishore Kunal, Advocate, appears for the complainant. The respondent is absent. On the last date i.e. 15.2.2023 also, the respondent was absent. It is evident from the record that the respondent was also absent in the proceeding held on 13.9.2022, 30.9.2022 & 18.11.2022 before the Adjudicating Officer.

Learned counsel for the complainant submits that the complainant booked a flat in the year, 2013 on total consideration amount of Rs.42,00,000/-, which was paid by the complainant on 26.12.2013, 6.1.2014, 24.3.2013 & 30.6.2014 respectively and acknowledgement receipts thereof were issued by the respondent, which are kept on the complaint petition. The flat was to be handed over within the time frame but the respondent did not hand over the flat within the time granted in the agreement for sale. Hence, the complainant wants for 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 15.2.2023 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 Director to refund the principal amount of Rs.42,00,000/-, 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