

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

**RERA/CC/60/2024**

**Mrs. Nootan Kumari ..... Complainant**

**Vs.**

**M/s Ghar Lakshmi Buildcon Pvt. Ltd. .... Respondent**

**For the complainant: Mr. Dhananjay Kashayap, Advocate**

**For the Respondent: None**

**Project:- SARITA KUNJ HIGHRISE**

**ORDER**

**20.08.2024** Hearing taken up. Mr. Dhananjay Kashayap, Advocate, appears for the complainant through virtual mode. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant booked Flat no.205 on 2<sup>nd</sup> floor having area 1230 sq. ft. along with car parking in the project "Sarita Kunj Highrise, Phase 1" on consideration amount of Rs.22,00,000/- vide Agreement For Sale dated 27.04.2017, out of which she paid Rs.5,80,000/-. The project was to be completed and possession of the flat was to be delivered within the specified period of time but the respondent failed in honouring the commitment. Consequently, the complainant requested for refund of her money, upon which the respondent issued some cheques of Rs.1,00,000/- but those were dishonoured. He also submits that the complainant has already sent cancellation letter to the respondent – promoter on 26.06.2023 (which is inadvertently mentioned as 26.06.2024 in the last proceeding) by mail for refund of her money of Rs.5,80,000/- but till date there is no response at the end of the respondent.

3. Perused the record. The Authority observes that the respondent – promoter neither honoured the commitment made to the complainant of handing over the flat within the time granted nor refunded her entire money in spite of requests being made by her through cancellation letter dated

26.06.2023. The Authority further observes that the respondent – promoter neither appeared nor filed counter reply in spite of notice issued on 05.08.2024 with direction that in case of non-appearance it would be presumed that he has nothing to say in this case and an order would be passed on the basis of material available on record. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority is left with no option but to dispose of this case on the basis of material available on the record and, accordingly, this case is being disposed of today.

4. 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 Directors namely Sri Rahul Kumar, Sri Suraj Kumar and Sri Manoj Kumar to refund the amount of Rs.5,80,000/- 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 of the State Bank of India on the date on which the amount becomes due till the date of payment.

5. The complainant is at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer, RERA, as per the provisions of the RERA Act, 2016.

**With the aforesaid observations and directions, this case is disposed of.**

**Sd/-  
S.D. Jha,  
Member**