

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/654/2021

RERA/AO/232/2021

Dipali..... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

For the complainant: Mr. Vishal Vikram Rana, Advocate

For the Respondent: None

Project: AGRANI IOB

ORDER

14.03.2023

Hearing taken up. Mr. Vishal Vikram Rana, Advocate, appears for the complainant. The respondent is absent. On the last two dates i.e. 15.2.2023 & 24.2.2023 also, the respondent was absent. The respondent was also absent in the proceeding held on 14.9.2022 & 11.10.2022 before the Adjudicating Officer.

Mr. Vishal Vikram Rana, Advocate, submits that the complainant had entered into an agreement to purchase a flat in the project located at Sarai, Near – Danapu Railway Station, Khagaul, on consideration amount of Rs.16,49,440/-, out of which till 29th May, 2014 he paid Rs.14,00,001/-. The flat was to be handed over within the time frame, but the possession thereof was not given within the time prescribed. Hence, the complainant wants refund of the amount with interest and compensation. He further submits that in compliance of the proceeding dated 24.2.2023, a cancellation letter has already been sent to the respondent through mail and a copy thereof has been filed in the office of the Authority.

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 notice issued 15.2.2023. 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.14,00,001/- 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