

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Hon'ble**

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

RERA/CC/666/2021

RERA/AO/233/2021

Sri Dinesh Chandra Prasad Singh ..... Complainant

Vs.

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

For the Complainant: In person

For the Respondent: None

**Project: GREEN VATIKA**

**ORDER**

**27.02.2023** Hearing taken up. Mr. Dinesh Chandra Prasad Singh, the complainant is present. The respondent is absent. On the last date i.e. 13.2.2023 also, the respondent was absent. It is evident from the record that the respondent was also absent in the proceeding held on 30.9.2022 before the adjudicating officer. However, today an application through mail seeking adjournment for three weeks by an Advocate, namely, Sri Mohit Raj having no Vakalatnama in this case has been received. Hence, the application seeking adjournment is rejected.

The complainant submits that he booked a flat in the project in the year, 2013 on consideration amount of Rs.25,50,000/-, out of which till January, 2014 he paid Rs. 7,88,639/-. The flat was to be handed over within the time frame but the respondent failed in handing over the same within the time granted. As a result, the complainant requested for refund of the amount with interest on 19 May, 2016, but the respondent did not refund the amount. Hence, he moved the Authority for refund of the 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 13.2.2023 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 Directors to refund the principal amount of Rs. 7,88,639/-, 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**