

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/72/2024

Chandra Abha Kumari Complainant

Vs.

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

For the complainant: Mr. Punit Kumar, Advocate,

For the Respondent: None

Project:– AGRANI CRYSTAL AVENUE

ORDER

24.06.2024 Hearing taken up. Mr. Punit Kumar, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant booked plot no.C-13 of 1200 sq. ft in the project "Agrani Crystal Avenue" vide KYC dated 23.5.2018 on consideration amount of Rs.20,40,000/- out of which he paid Rs.6,00,000/- on 14.5.2018 but thereafter the respondent – promoter neither executed Agreement For Sale nor handed over possession of the plot. He also submits that seeing no hope of handing over possession of plot, the complainant sent cancellation letter to the respondent on 9.3.2019 and in response thereof the respondent gave the schedule of refund vide letter dated 16.7.2019 but no amount has been refunded so far by the respondent. Hence, the complainant has filed this complaint for refund of money.

3. Learned counsel for the respondent vide proceeding dated 14.05.2024 was directed to file counter reply within two weeks with further direction that in case of non-compliance it would be presumed the respondent – promoter has nothing to say in this matter and an order would be passed on the basis of material available on the record but the respondent – promoter neither filed counter reply nor has appeared today in

spite of notice issued on 29.05.2024. Hence, the Authority is left with no option but to pass the order on the basis of material available on the record.

4. Perused the record. The Authority observes that the respondent - promoter neither honoured the commitment of handing over possession of the plot in favour of the complainant within the specified time nor has cooperated in disposal of this case by filing counter reply in spite of providing sufficient time to him. Considering the hardship being faced by the complainant and non-cooperative attitude of the respondent – promoter, the Authority thinks it appropriate to dispose of this case on the basis of material available on the record and, accordingly, the order is being passed today.

5. Taking into consideration the aforesaid facts and the observations made above, the Authority directs the respondent – company and its Managing Director Mr. Alok Kumar to refund the principal amount of Rs.6,00,000/- 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 of the State Bank of India on the date on which the amount becomes due till the date of payment.

6. 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**