

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Hon'ble**

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

RERA/CC/732/2021

RERA/AO/252/2021

Smt. Radhika Devi ..... Complainant

Vs.

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

For the Complainant: Mr. Ishtiyaque Hussain, Advocate

For the Respondent: None

**Project: IOB NAGAR BLOCK- L**

**ORDER**

**24.02.2023** Hearing taken up. Mr. Ishtiyaque Hussain, Advocate, appears for the complainant. The respondent is absent. On the last date i.e. 15.2.2023 also, the respondent was absent. The record further shows that the respondent also remained absent in the proceeding held before the Adjudicating Officer.

Learned counsel for the complainant submits that the complainant had booked a flat bearing No.G-02, Block –L in the project located at Sarari, Danapur, Patna, on 5.9.2013 on total consideration amount of Rs.17,06,180/, out of which she had paid Rs.15,00,000/- on 5.9.2013, 6.9.2013, 15.9.2013 & 16.9.2013 respectively. The flat was to be handed over within the time frame but when the respondent failed to do so, the complainant impressed upon the respondent to refund her money, upon which the respondent returned Rs.2,00,000/-. The complainant wants refund of the remaining amount of Rs.13,00,000/- with interest.

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

remaining amount of Rs.13,00,000/- 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**