

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/758/2021

RERA/AO/262/2021

Mr. Alok Prasad..... Complainant

Vs.

M/s Creastate Infra Homes Pvt. Ltd. Respondent

For the complainant: Mr. Saurabh Bishwambhar, Advocate

For the Respondent: None

Project: PATNA AWAS YOJANA

ORDER

15.03.2023

Hearing taken up. Mr. Saurabh Bishwambhar, Advocate, appears for the complainant. The respondent is absent. On the last date i.e.20.2.2023 also, the respondent was absent. The record further shows that the respondent was also absent on two occasions in the proceedings held before the Adjudicating Officer.

Learned counsel for the complainant submits that in the last order dated 20.2.2023, inadvertently, instead of plot it has been mentioned as flat. The same has been verified and it is found that in the order dated 20.2.2023, inadvertently, in place of plot it has been mentioned as flat. Accordingly, the order dated 20.2.2023 is modified to the extent that in place of flat it should be read as plot.

Learned counsel for the complainant further submits that on 14.1.2018 a plot of 1200 sq.ft was booked in the project PATNA AWAS YOJANA on consideration amount of Rs.11,28,600/-, which was paid till 6.9.2020, in the name of complainant's wife, namely, Sarita Kumari but this case has been filed by the husband – complainant, namely, Alok Prasad keeping in view the fact that the complainant may pursue the case before the Authority more conveniently than his wife because the complainant resides in Patna and his wife Sarita Kumari resides at Siwan. He reiterates his claim for refund of the amount along with interest. He also submits that the complainant has already sent a cancellation letter to the respondent with a request to cancel the booking and refund of the amount, a copy of which has been filed and is kept on the record.

Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of

completing the project and handing over the possession of the plot within the time granted nor is showing interest in getting this case disposed of by appearing in the case in spite of notice issued 20.2.2023. 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 Directors to refund the principal amount of Rs.11,28,600/-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