

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble
Member Mr. S.D. Jha, RERA, Bihar.**

RERA/CC/845/2019

RERA/AO/242/2019

Mrs. Madhuri Kumari Karn.....Complainant

Vs.

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

PROJECT:AGRANI EMERALD

For Complainants: In person.

For Respondent: None

ORDER

08.02.2023 Hearing taken up. Mrs. Madhuri Kumari Karu appears in person. The respondent is absent. On the last date (18.01.2023) also the respondent was absent. The record further reveals that in the proceedings held before the Adjudicating Officer on 16.3.2021, 5.4.2021 & 29.4.2021 the respondent was also absent.

The complainant submits that she entered into an agreement in the year 2016 with the respondent – company to purchase a flat in the project on consideration amount of Rs.34,36,500/-, out of which she paid Rs.8,97,975/- and acknowledgement receipts thereof were issued by the respondent – company, photo copies of which are annexed with the complaint. The flat was to be handed over within a time frame but the respondent failed to honour the commitment. Thereafter, she approached the respondent for refund of the money paid by her, upon which Rs.3,00,000/- was returned by the respondent but rest amount of Rs.5,97,795/- is not being returned, which, she wants to get refunded 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 18.01.2023 that “In case of non-compliance, the order will be passed on merit on the basis of the material available on the record.” Considering the indifferent and non-cooperative attitude of the respondent – promoter as well as the difficulties being faced by the complainant, 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 by 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.5,97,795/- to the complainant along with interest within sixty days of issue of this order. The interest would be paid at the rate of Marginal Cost of Fund Based Lending Rates (MCLR) of the State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund.

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**