

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Full Bench of Hon'ble Chairman, Mr. Naveen Verma, Hon'ble
Members Mrs. Nupur Banerjee and Mr. S.D. Jha RERA, Bihar.

RERA/CC/932/2021

Mrs. Kajal Kiran.....Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT: I.O.B.NAGAR, MAIN PHASE BLOCK -I

For Complainant: None

For Respondent: None

ORDER

01.02.2023 The matter was last heard on 20.01.2023 and listed for order on 1.02.2023.

The case of the complainant is that she booked Flat no.501 in IOB Nagar, I - Block, and entered into an agreement for sale on 17.01.2014 for a total consideration of Rs.28,00,000/-, out of which she paid Rs.12,94,000/- in the years 2014, 2015 & 2016.

The complainant filed this complaint petition for refund of the entire amount along with statutory interest as provided under the RERA Act, hence this case came to be listed before the Authority.

On 06.07.2022 Mr. Apurv Harsh, Advocate, appeared for the complainant and submitted that as per information received a society has been formed and construction work has been initiated and, therefore, the complainant wants possession of the flat for which he would file an amendment petition after taking instruction from the client. The Authority accordingly directed that if the complainant would go with possession of the flat then she would file an affidavit amending her prayer and inform the Authority accordingly.

On 06.12.2022 again the case came to be listed but both the parties were absent and till that date no affidavit amending her prayer for possession of the flat was filed and thereafter the case was transferred to the Full Bench having come to know that other matters pertaining to the same project are being heard in the Full Bench.

On 20.12.2022 the case was listed before the Full Bench. Since both the parties were absent, fresh notice was ordered to be issued to both the parties for appearance on 20.01.2023. On 20.1.2023 also when the case came on the board, both the parties were absent and it was found that the proceeding dated 06.07.2022 directing learned counsel for

the complainant to file an affidavit amending her prayer for possession of the flat has not been complied with so far.

Having gone through the record including the proceedings recorded on 06.07.2022, 27.09.2022, 15.11.2022, 06.12.2022, 20.12.2022 & 20.01.2023 in which except on two dates the complainant remained absent, the Authority presumes that the complainant does not want to pursue the matter for possession of the flat and the complainant has restricted her prayer only to refund the principal amount already paid by her to the respondent along with interest.

Hence, the Authority holds that it would not be appropriate to keep the case pending for an indefinite period for want of appearance/compliance of the complainant as well as the respondent and, accordingly, the case is being disposed of today.

In the backdrop of the material available on the record, the Authority directs the respondent company and its Director to refund the principal amount of Rs.12,94,000/- 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

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman