

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

RERA/CC/98/2024

Ranjan Kumar..... Complainant

Vs.

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

For the complainant: Miss. Snigdha, Advocate

For the Respondent: None

**Project:– I.O.B. NAGAR**

**ORDER**

**22.08.2024** Hearing taken up. Miss. Snigdha, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant booked a flat of 1300 sq. ft on 3<sup>rd</sup> floor in Block –Q of the project "I.O.B.Nagar" located at Sarari, Danapur, Patna vide Memorandum of Understanding dated 2<sup>nd</sup> April, 2015, on consideration amount of Rs.1649,440/- out of which the complainant paid Rs.16,00,000/- from 31.01.2015 to 04.03.2015 and acknowledgement receipts thereof were issued by the respondent which are kept on the record. She further submits that the project was to be constructed and possession of the flat was to be delivered within the specified time but till date the respondent has neither delivered possession of the flat nor has refunded his money in spite of legal notice sent on 11.07.2023 requesting for refund of his money. Hence, the complainant has filed this complaint for refund of his money along with interest and compensation, for which he has again sent cancellation letter to the respondent through mail dated 19.08.2024 for refund of his money.

3. Perused the record. The Authority observes that the respondent– promoter neither honoured the commitment made to the complainant of handing over the flat within the time

granted nor refunded her money in spite of requests being made by her. The Authority further observes that the respondent – promoter neither appeared nor filed counter reply in spite of notice issued on 05.08.2024 with direction that in case of non-appearance it would be presumed that he has nothing to say in this case and an order would be passed on the basis of material available on record. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority is left with no option but to dispose of this case on the basis of material available on the record and, accordingly, this case is being disposed of today.

4. 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 Director Mr. Alok Kumar to refund the principal amount of Rs.16,00,000/- 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.

5. The complainant is at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer, RERA, as per the provisions of the RERA Act, 2016.

**With the aforesaid observations and directions, this case is disposed of.**

**Sd/-  
S.D. Jha,  
Member**