

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/437/2024

Krishna Kumar Lal Complainant

Vs.

M/s Ghar Lakshmi Buildcon Pvt. Ltd.Respondent

PROJECT: INCOME TAX RESIDENCY, BLOCK -B

For the Complainant: Mr. Subhankar Prabhakar, Advocate

For the Respondent: None

14.05.2025

ORDER

Learned counsel Mr. Subhankar Prabhakar on behalf of the complainant is present but the respondent is absent. On the previous dates i.e. 25.11.2024 & 16.04.2025 also when the case was listed before the Bench the respondent did not appear in spite of notice issued by the office.

The case of the complainant is that in the year, 2015 he had booked a 3 BHK flat of 1215 sq. ft. in Block - B in the project – Income Tax Residency of M/s Ghar Lakshmi Buildcon Pvt. Ltd. by making payment of Rs.51,000/- and Rs.1,85,000/- through cheques dated 15.04.2015 & 19.05.2017 out of the total consideration of Rs.18,50,000/- to the respondent – developer and in support of the same he has filed payment receipts, which are on the record. He further submits that the respondent had assured that the project would be completed by October, 2019, which was further extended until December, 2021, but till date neither project has been completed nor possession of flat has been delivered. He also repeatedly requested for issuance of an allotment letter and to execute Agreement For Sale but the respondent failed to do the same and now he came to know that registration of the project has lapsed. He also submits that when the respondent consistently failed for eight years in completing the project, he requested the respondent to refund his amount, upon which the respondent issued three cheques of Rs.2,36,000/- but they became dishonoured because of non-

availability of amount on the Account of the respondent. Hence, he has filed the present complaint for refund of his principal amount of Rs.2,36,000/- with interest as well as compensation. He also submits that the respondent is knowingly and intentionally not appearing in this case and he is being harassed. Hence, an exparte order may be passed with direction to the respondent to refund his aforesaid amount.

Perused the record. The Bench observes that the respondent - promoter neither honoured the commitment made to the complainant of completing the project and handing over possession of the flat within the time granted nor is showing interest in getting this case disposed of by appearing in the case in spite of notice issued to him by the office. The Bench presumes that the respondent – promoter has nothing to say in this matter and he only wants to linger the case. In such a situation, the Bench is left with no option but to pass the order exparte on merit on the basis of material available on the record as the case cannot be allowed to remain pending for an indefinite period.

In the backdrop of the submissions made by the complainant and on going through the material available on record, the Authority directs the respondent - company and its Managing Director Sri Rahul Kumar and Director Sri Manoj Kumar to refund the principal amount of Rs.2,36,000/- to the complainant along with interest at 2% above marginal cost of fund-based lending rate (MCLR) of the State Bank of India on the date on which the amount becomes due till the date of payment within sixty days of issuance of order.

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/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.