

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/351/2023

Mrs. Sarita Raman Complainant

Vs.

M/s Lavis & Associates Pvt. Ltd.Respondent

PROJECT: LAVISA TOWN

For the Complainant: Mr. Sumit Kumar, Advocate

For the Respondent: None

28.05.2025

ORDER

Learned counsel Mr. Sumit Kumar on behalf of the complainant is present but the respondent is absent. It further transpires from the record that earlier also on most of the dates when the case was listed the respondent did not appear in spite of notice issued by the office.

2. Learned counsel for the complainant submits that the complainant booked Flat no.605 on 6th floor along with exclusive parking at ground floor having super built-up area 1196 sq. ft. in the project "Lavis Town" of the respondent company Lavis & Associates on consideration amount of Rs.26,31,200/- in the year 2014, out of which she paid Rs.2,00,000/- vide Cheque no.755202 dated 16.01.2014 of Oriental Bank of Commerce at Laheria Sarai Tower, Darbhanga, and in support of the same photo copy of cheque and also its money receipt issued by the respondent company are kept on the record. He further submits that after making payment of the aforesaid amount the respondent had assured the complainant to execute Agreement For Sale in her favour but the respondent did not execute the Agreement in spite of several requests made by her. He also submits that the project was started in the year, 2014 but still work of the project is going

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on without adhering to the Real Estate (Regulation & Development) Act, 2016 as till date the respondent has not obtained registration certificate from RERA, which is mandatory in terms of the RERA Act, 2016. He also submits that since the respondent has failed to complete the project till date and has also not obtained registration certificate from RERA, the complainant got notice dated 17.07.2023 issued to the respondent to refund her entire amount along with interest and compensation but the respondent did not respond to the notice so far.

3. 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 nor is showing willingness to refund the money of the complainant even after notice was sent to the respondent for refund of her money. The Bench presumes that the respondent – promoter has nothing to say in this matter as on most of the dates fixed in the case he chose not to appear in the case in order to linger the matter and harass the complainant for no fault on her part. 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.

4. In the backdrop of the submissions made by the complainant and on going through the material available on record, the Bench directs the respondent - company and its Chairman-cum-Managing Director Sri Swaraj Kiran Sinha to refund the principal amount of Rs.2,00,000/- 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

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becomes due till the date of payment within sixty days of issuance of order.

5. The complainant is at liberty to press other claims, if any, 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.