

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/496/2023

Md. Shahid Iqbal

....

Complainant

Vs.

M/s Kabir Colonizer & Developers Pvt. Ltd.

....Respondent

PROJECT: KABIR NAGAR

For the Complainant: Mr. Kishore Kunal, Advocate

For the Respondent: None

20.06.2025

ORDER

Learned counsel Mr. Kishore Kunal on behalf of the complainant is present but the respondent neither appeared before the Conciliation Forum nor appeared before this Bench in spite of notices sent by the office on 01.08.2024 & 09.04.2025.

2. Learned counsel for the complainant submits that an Agreement dated 23.01.2018 was executed between the complainant and the respondent to purchase Plot no.E-288 having area of 1350 sq. ft. in the project “Kabir Nagar” situated at Chirora Naubatpur, Patna, on consideration amount of Rs.7,00,000/-, out of which the complainant paid Rs.6,70,000/- in thirteen installments between 06.11.2017 to 08.05.2019, against which the respondent issued payment receipts which are kept on record. He also submits that the respondent – promoter had assured the complainant that delivery of possession of the plot would be made within the specified period of time, but till date the respondent neither delivered possession of the plot nor developed the project nor refunded the principal amount. Hence, this complaint has been filed by the complainant for refund of principal amount along with interest and compensation.

3. It is evident from the record that the respondent neither appeared before the Conciliation Forum nor before this Bench in spite of notice sent by the office on 01.08.2024 & 09.04.2025.

4. 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 plot to the complainant within the time granted nor refunded the principal amount of the complainant when he failed in delivering possession of plot to the complainant. The respondent is also not showing interest in getting this case disposed of by appearing in the case in spite of service of notice upon him. The Bench presumes that the respondent – promoter has nothing to say in this matter as on every date either before the Conciliation Forum or this Bench he chose not to appear in the case so as to linger the matter for indefinite period. 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.

5. In the backdrop of the submissions made by learned counsel for the complainant and on going through the material available on record, the Bench directs the respondent - company and its Director Mr. Musheer Ahmad to refund the principal amount of Rs.6,70,000/- to the complainant along with interest at 2% above marginal cost of the lending rate (MCLR) of the State Bank of India on the total principal amount which becomes due till the date of payment within sixty days of this order.

6. 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.

