

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble
Member Mr. S.D. Jha, RERA, Bihar.**

RERA/CC/1235/2021

Sindhu Devi.....Complainant

Vs.

M/s Agrani Homes Pvt. Ltd..Respondent

PROJECT: AGRANI IOB NAGAR

For Complainant: Mr. Maharana Pratap, Advocate,

For Respondent: None

ORDER

07.02.2023 Hearing taken up. Mr. Maharana Pratap, Advocate, appears for the complainant. The respondent is absent. On the last date (17.1.2023) also, the respondent was absent. The record further reveals that in the conciliation proceeding also the respondent remained absent.

Learned counsel for the complainant submits that the complainant booked a flat in the year 2014 on consideration amount of Rs.16,00,000/-out of which she paid Rs.16,49,440/- through cheques dated 18.4.2014 and 28.4.2014 respectively, copies of which are annexed with the complaint. The flat was to be handed over within the time frame but the respondent failed to do so. Hence, the complainant has sent the cancellation letter to the respondent and now wants for refund of the money along with interest and compensation. He further

Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of completing the project within the time granted nor is showing interest in getting this case disposed of by appearing in the case in spite of notices issued on 3.11.2022. Considering the indifferent and non-cooperative attitude of the respondent – promoter as well as the difficulties being faced by the complainant, the Authority does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself.

In the backdrop of the submissions advanced on behalf of the complainant and on going through the material available on the record, the Authority directs the respondent company and its Director to refund the principal amount as well as service tax of Rs. 16,49,440/- 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**