

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

RERA/CC/212/2022

Rajesh Kumar ..... Complainant

Vs.

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

For the complainant: Ms. Snigdha, Advocate

For the Respondent: None

**Project:- AGRANI SBI NAGAR, BLOCK – E**

**ORDER**

**04.10.2024** Hearing taken up. Ms. Snigdha, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant booked Flat no.104 of 1300 sq. ft in Block E of the project "SBI Nagar" located at Dhawalpura, P.S Bypass road, Patna, by making payment of Rs.10,00,000/- and acknowledgement receipts thereof were issued by the respondent, which are kept on the record. After payment of the aforesaid amount, the complainant made requests to execute an Agreement For Sale but the respondent on one pretext or the other did not execute the same. She also submits that till date the respondent – developer has not started the work of the project. Hence, the complainant wants refund of his money along with interest and in this connection he has sent cancellation letter to the respondent by mail dated 14.09.2024 for refund of money, a copy of which has been kept on the record.

3. Perused the record. The Authority observes that the respondent – promoter neither honoured the commitment made to the complainant of handing over flat nor is appearing in this case in spite of several opportunities given and notice issued on 13.09.2024 with direction that in case of non-appearance it would be presumed that the respondent has nothing to say in this matter and an order would be passed on the basis of material available on the record. Considering the hardship being faced by the complainant and also the indifferent and

non-cooperative attitude of the respondent – promoter in not appearing in the matter in spite of notice issued and not refunding money in spite of sending cancellation letter dated 14.09.2024, the Authority is left with no option but to dispose of this case and, accordingly, this case is being disposed of today on the basis of material available on the record.

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 Managing Directors Mr. Alok Kumar and Mr. Rana Ranvir Singh to refund the amount of Rs.10,00,000/- 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, if any, 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**