

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/253/2022

Mohammad Nihal..... Complainant

Vs.

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

For the complainant: Mr. Ishtyaque Hussain, Advocate

For the Respondent: None

Project: AGRANI P.G.TOWN

ORDER

20.03.2023 Hearing taken up. Mr. Ishtyaque Hussain, Advocate, appears for the complainant. The respondent is absent. It appears from the record that the respondent also did not appear in the conciliation proceeding held before the Conciliation Forum on 4.7.2022 & 20.7.2022 respectively.

Learned counsel for the complainant submits that the complainant booked Flat no.101, Block -C, in the proposed project located at Sarari within Danapur Police Station, District – Patna, on consideration amount of Rs.14,00,000/-, out of which he paid Rs.15,00,000/-, which includes GST, on different dates in the year, 2017 and thereafter a Memorandum of Understanding was signed on 19.9.2017, wherein, it was mentioned that the project would be completed within a time frame, but even after expiry of more than 7 years the respondent has failed to start the work and thereafter the complainant requested the respondent to refund the money but the respondent did not pay heed to his request. He further submits that the registration of the project (M/s Agrani Homes Real Marketing Pvt .Ltd.) has been cancelled earlier by the Authority, wherein the respondent – promoter has been directed to refund the deposit amount of the consumers/allottees within 60 days of the order along with interest, but even after 4 months of the order, the respondent – promoter has not paid any amount. Hence, the complainant requests for refund of the amount along with interest.

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 notice

issued on 7.3.2023. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, 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 made on behalf of the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Directors to refund the amount of Rs.15,00,000/- 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 (MCLR) of the State Bank of India on the date on which the amount becomes due till the date of payment.

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/-
S.D. Jha
Member