

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/320/2024

Gaurav Kumar Complainant

Vs.

M/s Technoculture Building Centre Pvt. Ltd. Respondent

Project:- VASTU VIHAR, PH – 02, PURNEA

ORDER

07.10.2024 Hearing taken up. The complainant appears in person. The respondent is absent.

2. The complainant submits that he booked a Duplex vide Agreement For Sale 10.12.2020 in the project "Vastu Vihar, Ph-02, Purnea" on consideration amount of Rs.26,65,125/- out of which he paid Rs.14,81,175/- through bank account till 07.01.2023 and Rs.52,320/- as stamp amount which finds mention in Appointment Slip as annexed with the agreement. He further submits that the Duplex was to be handed over within the specified time but the respondent did not honour the commitment. Hence, he requested the respondent - promoter for refund of his money, upon which the respondent refunded Rs.2 lacs on 06.06.2024 & Rs.1 lac on 29.06.2024 and the remaining amount of Rs.11,81,175/- is to be refunded but in spite of repeated requests the respondent is not paying heed to his requests. As a result, he filed the present complaint for refund of his remaining amount along with interest and compensation. In this connection, he has already sent cancellation letter to the respondent for refund of money vide mail dated 08.09.2024 and copy of which is kept on the record.

3. Perused the record. The Authority observes that the respondent - promoter neither honoured the commitment made to the complainant of completing the project and handing over the flat within the specified time nor is refunding his remaining amount in spite of requests made by him and the letter sent to him by mail dated 08.09.2024. The Authority also

observes that the respondent is not showing interest in getting this case disposed of because of the fact that the respondent did not appear before the Authority in spite of notice issued on 04.09.2024 with specific direction that in case of non-appearance, it would be presumed that the respondent has nothing to say in this case and an order would be passed on merit on the basis of material available on the record. It is also evident from the record that before the Conciliation Forum, RERA, the respondent also never appeared. 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, this case is disposed of today itself.

4. In the backdrop of the submissions made on behalf the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Directors Mr. Omkar Ji to refund the remaining amount of Rs.11,81,175/- 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, 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**