

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

RERA/CC/90/2024

Priyanka ..... Complainant

Vs.

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

For the complainant: Mr. Punit Kumar, Advocate

For the Respondent: None

**Project:- I.O.B. NAGAR**

**ORDER**

**20.08.2024** Hearing taken up. Mr. Punit Kumar, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant booked a 3 BHK flat in Block – PG-I on 8<sup>th</sup> floor having area of 1626 sq. ft. along with car parking in the project “IOB Nagar” situated at Sarari, Patna, vide KYC dated 16.07.2018 on consideration amount of Rs.20,00,000/-. The said consideration amount was paid by the complainant in the year, 2018 and acknowledgement receipts were issued by the respondent which run from page 19 to 21 but the respondent – promote did not execute the Agreement For Sale. The project was to be completed and possession of the flat was to be delivered within the specified time but till date neither project has been completed nor possession of the flat has been delivered. Hence, the complainant requests for refund of her money along with interest and compensation. In this connection, the complainant has sent cancellation letter to the respondent on 29.01.2024, which is annexed as Annexure -03 to the complaint but till date there is no response at the end of the respondent.

3. Perused the record. The Authority observes that the respondent – promoter neither honoured the commitment made to the complainant of handing over the flat within the time granted nor refunded her entire money in spite

of requests being made by her vide cancellation letter dated 29.01.2024. The Authority further observes that the respondent – promoter neither appeared nor filed counter reply in spite of notice issued on 05.08.2024 with direction that in case of non-appearance it would be presumed that he has nothing to say in this case and an order would be passed on the basis of material available on record. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority is left with no option but to dispose of this case on the basis of material available on the record and, accordingly, this case is being disposed of today.

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 Director namely Sri Alok Kumar to refund the amount of Rs.20,00,000/- 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, 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**