

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/925/2020

Ruby Kumari **...Complainant**
Vs.
M/s Realize Realcon Pvt. Ltd. **...Respondent**

Project: - Realize Green Exotica

ORDER

26-08-2022 The matter was last heard on 01.07.2022

The case of the complainant is that he booked a flat with one parking space in the project Realize Green Exotica in 2016. The complainant has stated that she has paid Rs. 25,01,483/- but as the respondent failed to handover the flat the complaint has been filed for refund of paid consideration with 18% interest and compensation.

The complainant has placed on record copy of registered agreement for sale dated 03/11/2017, home loan paper, account statement and money receipts for Rs. 16,90,977/-.

Perused the record. No reply has been filed by the respondent.

On the last date of hearing the complainant reiterated his requests for refund with interest.

The Bench notes that the respondent failed to appear despite notice was issued to the respondent.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent executed agreement for sale in 2017

without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

Having heard the submission of both the parties the Authority hereby directs the respondent company and its Director to refund the principal amount of Rs. 21,01,483/- to the complainant along with interest at the rate of marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years plus 2% percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating Officer for compensation as provided in the RERA Act, 2016.

With these observations and directions, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)