

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/13/2022

Abhijeet Kumar

...Complainant

Vs.

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

Project: - Agrani SBI Nagar

Order

03.01.2023

The matter was last heard on 22.12.2022 and fixed for orders on 28.12.2022 but, since 28.12.2022 was declared as a holiday, the matter has been listed "for orders" on 03.01.2023.

The matter was referred to the Conciliation Forum. The Respondent appeared initially before the Conciliation Forum, but thereafter he remained absent, hence conciliation proceeding had failed.

The case of the complainant is that MOU was executed with the Respondent Company on 07.10.2015, which mentions that Rs. 4 lacs has been paid by the complainant against the total consideration amount of Rs. 12 lacs for a flat in the project Agrani S.B.I. Nagar of the Respondent Company. The complainant has submitted that the Respondent Company has assured that the project will be completed within four years but, since the construction work has not started, he filed the matter for refund of the amount with interest and compensation. During the course of hearing, the learned counsel for the complainant

requested for refund of the principal amount along with interest.

Perused the records and the online petition filed by the complainant. The relief sought was for possession of the flat. The complainant has made an alternative prayer for refund of money paid along with interest and compensation in his detailed application in Form-M.

The Authority take notes of the prayer of the complainant and since admittedly construction work has not started in the project, orders cannot be issued for handing over possession.

The Authority, therefore, admits the claim of the complainant in view of the MOU and the Bank statement filed by him and directs the respondent company and its Director Shri Rana Ranvir Singh to refund the principal amount of Rs.4 lacs to the complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus three percent from the date of deposit till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press the claim for compensation before the Adjudicating officer.

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

Sd/-
Naveen Verma
(Chairman)