

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

**& Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/136/2021**

Noorun Nisa And Anas Imam ...Complainants

Vs.

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

Project: PG TOWN BLOCK H

**01-07-2022**

**ORDER**

The matter was last heard on 25-01-2022 and listed for orders on 01-03-2022. However due to the pre-occupation of Bench in other matters, the order could not be passed on that date.

The case of the complainants is that they had booked a flat no. 501 on 10.01.2019 in Block H of the project having area 1300 sq.ft. for total consideration of Rs. 32,90,000 ( Thirty Two Lakh Ninety Thousand only) against which they paid Rs.3,00,000 (Three Lakh) to the respondent company. Since the respondent company has not started any work in the project , the complaint has been filed seeking relief to direct the respondent to refund the amount along with 18% interest on it.

The complainants have placed on record copies of money receipts issued by the respondent company against the payment made and a cancellation letter dated 17.02.2020.

No specific reply has been filed by the respondent company in the instant case. However, the respondent company has been present on all the hearings and has not

challenged the contentions of the complainants and the facts are being admitted.

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2019. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 for which direction to initiate suo motu proceedings against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016 has already been issued.

Heard both the parties. During the course of hearing, the complainants have reiterated their request for refund with interest.

The Authority notes that it is the responsibility of the Directors of the respondent company to arrange the necessary resources to enable refund to the complainant and other aggrieved allottees.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs. 3 lakhs to the complainants along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years from the date of taking the booking within sixty days of issue of this order.

Sd/-

**Nupur Banerjee**  
**(Member)**

Sd/-

**Naveen Verma**  
**(Chairman)**