

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Double Bench of Mr. Naveen Verma, Chairman**

**& Mrs. Nupur Banerjee, Member**

**Case No. CC/1137/2020**

Vikash Kumar.....Complainant

Vs

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

**Project: IOB Nagar Block N**

**ORDER**

**1-07-2022**

The matter was heard on 22.02.2022 and listed for orders on 07.04.2022. However the order could not be passed and subsequently the matter was again listed before the Double Bench on 23-06-2022 and put up for order on this day.

The case of the complainants is that he booked a flat in Block- N in the said project for Rs.17 lakh in the year 2018. A Memorandum of Understanding (MoU) was executed between the parties on 01.06.2019 mentioning that the complainant has paid Rs. 12,12,000/- . The complainant has alleged that there has been no progress in the development of the project and the project is also not registered with the Real Estate Regulatory Authority. The complainant has stated that as no response was received from the respondent company on his request for cancellation of the booking, the complaint has been filed praying for refund of the amount with interest.

The complainant has placed on record a copy of the memorandum of understanding dated 01.06.2019 signed between the parties, money receipts issued by the respondent company against payments made and copies of cheques issued by the complainant.

Perused the record. Reply has been filed by the respondent company. In its reply, the respondent company has stated that they tried contacting the complainant but his mobile number was not reachable.

It is apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in the year 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

During the course of hearing, the complainant has objected to the submission of the respondent company and has orally submitted that the respondent company never contacted the complainant. The complainant further submitted that he is not interested in the offer of the respondent company and has reiterated his request for refund of the amount. The Authority observes that the respondent company is apparently not serious in its offer.

After considering the documents filed and submission made by both the parties, the Authority directs the respondent company and its Directors to refund the principal amount of Rs. 12,12,000/- along with interest at the rate of marginal cost of fund based lending rate (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-

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

Sd/-

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