

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

Case No: RERA/CC/1057/2020

Anita Singh

...Complainant

Vs.

M/s. Agrani Homes Pvt. Ltd.

...Respondent

Project: I.O.B Nagar Block M

Present: Complainant: In Person

Respondent: Mr. Shatwik, Legal Representative

Mr. Sumit Kumar, Advocate

ORDER

26.04.2022

This matter was last heard on 11.04.2022.

The fact of the case is that the complainant had booked a 3 BHK flat on 6th floor in Block M of the project I.O.B Nagar by making total payment of Rs.16,00,000. A Memorandum of Understanding dated 13.04.2018 was entered into between the complainant and the respondent. Since there was no development/construction of the project, the complainant filed this matter and has prayed for refund of booking amount along with interest

The complainant has placed on record a copy of Memorandum of Understanding dated 13.04.2018.

Perused the record. Neither any reply has been filed by the respondent nor has he refuted the submission of the complainant,

although the legal representative of the company was present and hence the claim is being admitted.

On the last date of hearing the learned counsel of the respondent submitted that they have given alternative offer to the complainant but she was not interested. The complainant reiterated her prayer and further submitted that she is not interested in any offer which was made by the respondent

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 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.

Having heard the submissions the Authority directs the respondent company and their Director to refund the principal amount of Rs.16,00,000/- 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 two 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/-

Naveen Verma
(Chairman)