

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

**Mrs.Nupur Banerjee, Member**

**Case No: RERA/CC/1249/2020**

**Dhiraj Kumar**

**...Complainant**

**Vs.**

**M/s. Agrani Homes Real Marketing Pvt. Ltd.**

**...Respondent**

**Project: PG Town Block F**

**ORDER**

**22.02.2022**

This matter was last heard before Double Bench on 25.01.2022.

The case of the complainant is that he booked flat no. 405 in Block F of PG Town having Super Built-Up Area of 1300 sq.ft. along with one reserve car parking by making total payment of Rs.14,56,000 (Fourteen Lakh Fifty Six Thousand Only) against the total consideration amount of Rs.15,00,000. A M.O.U dated 23.05.2019 was entered into between the complainant and the respondent company. The respondent assured to complete the construction and hand over the peaceful possession of the flat by 2021. Since there was no development of the project, complainant has prayed for refund of booking amount along with interest and compensation and cost of litigation due to delay made by the respondent company in handing over the flat.

The complainant has placed on record a copy of M.O.U dated 23.05.2019 and copies of receipt bearing no. 3632 for Rs.

4,56,000/- issued on 21.01.2019; receipt bearing no. 3641 for Rs. 5,00,000/- issued on 04.01.2019; and receipt bearing no. 3666 for Rs. 5,00,000/- issued on 15.01.2019.

No reply has been filed by the respondent. However, Mr. Alok Kumar, M.D of the respondent company, who was present during hearing, submitted that he would approach the allottees with the proposal of alternative land/flat and will make adjustment and if they want refund, he will submit the plan for refund.

On the last date of hearing, the learned counsel of the complainant submitted that he wants refund of the deposited amount with interest and that he was not interested in the proposal of alternative plot or flat offered by Mr. Alok Kumar, M.D. of the respondent company.

It is also apparent from the documents filed by the complainant that not with standing 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. 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 of both the parties the bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.14,56,000/- 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.

The complainant is at liberty to approach the Adjudicating Officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

Sd/-

**Nupur Banerjee**  
(Member)

Sd/-

**Naveen Verma**  
(Chairman)