

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

Case Nos. RERA/CC/129/2021

Rinku Devi **...Complainant**

Vs.

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

Project: - Agrani Prakriti Vihar

Present: For Complainant: Mr. Awadhesh Kumar

For Respondent: Mr. Satwik,

Legal Representative

ORDER

13.05.2022 The matter was last heard on 20.04.2022.

The case of the complainant is that she had booked a plot bearing no 814 in the project Prakriti Vihar in 2019 for which she had paid Rs.1,30,000 to the respondent. She submitted that while the respondent company had assured to complete the project within a couple of months (September, 2019) at the time of booking but they have failed to handover the plot till date. Hence, she has filed the instant complaint and prayed for refund of deposited amount along with interest.

The complainant has placed on record a copy of KYC, copy of cheque no 534134 of Rs.1,30,000 for which money receipt no: 3841 has been issued by the respondent.

On last date of hearing the husband of the complainant reiterated that the complainant is not interested in the offer proposed by the respondent. The legal representative of the respondent company stated that the matter may be posted for order to refund the paid consideration.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority can be approached only after the promoter fails to respond to such communication. The Legal Cell may examine all such complaints that have been filed and if there is no prior intimation regarding cancellation, the Authority would not entertain such complaints. A notice to this effect may also be posted on the website of RERA, Bihar. However, since the matter has already been heard, orders are being pronounced.

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new booking in 2019. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. This matter may be included in the suo motu proceedings against the respondent 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 Director to refund the principal amount of Rs.1,30,000 /- 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 within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)