

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

**Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/1523/2020**

**Dheeraj 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 two flats i.e. Flat no. 505 & 506 in Block F of PG Town by making total payment of Rs.27,70,242 (Twenty Seven Lakh Seventy Thousand Two Hundred and Forty Two Only)out of total consideration amount Rs.29,00,000 for both flats. Since there was no development of the project, the complainant has prayed for refund of booking amount along with interest.

The complainant has placed on record copies of two M.O.U dated 07.06.2019 and copies of receipt bearing no. 3454 for Rs. 25,000/- issued on 10.10.2018; receipt bearing no. 3461 for Rs. 1,00,000/- issued on 10.10.2018; receipt bearing no. 3503 for Rs. 1,60,000/- issued on 31.10.2018; receipt bearing no. 3612 for Rs. 2,00,000/- issued on 19.12.2018; receipt bearing no. 3665 for Rs. 2,00,000/- issued on 15.01.2019; receipt bearing no. 3712 for Rs.

2,00,000/- issued on 07.02.2019; receipt bearing no. 3752 for Rs.  
4,00,000/- issued on 05.03.2019; receipt bearing no. 3871 for Rs.  
2,50,000/- issued on 08.04.2019; receipt bearing no. 3956 for Rs.  
14,731/- issued on 04.06.2019; receipt bearing no. 3460 for Rs.  
90,000/- issued on 10.10.2018; receipt bearing no. 3453 for Rs.  
25,000/- issued on 10.10.2018; receipt bearing no. 3502 for Rs.  
2,00,000/- issued on 31.10.2018; receipt bearing no. 3611 for Rs.  
2,00,000/- issued on 19.12.2018; receipt bearing no. 3664 for Rs.  
2,00,000/- issued on 15.01.2019; receipt bearing no. 3698 for Rs.  
1,00,000/- issued on 30.01.2019; receipt bearing no. 3711 for Rs.  
2,00,000/- issued on 07.02.2019; receipt bearing no. 3789 for Rs.  
1,00,000/- issued on 18.03.2019 & receipt bearing no. 3995 for Rs.  
1,05,511/- issued on 04.06.2019.

No reply has been filed by the respondent. On the last date of hearing, 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 land/flat and will make adjustment and if they want refund, he will give the plan for refund and submit the same.

While the learned counsel of the complainant had submitted during hearing that he had not received any instructions on the proposal offered by Mr. Alok Kumar, M.D. of the respondent company, he reiterated his request for the refund of the deposited money with interest.

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 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 of both the parties the bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.27,70,242/- 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.

**Sd/-**  
**Nupur Banerjee**  
(Member)

**Sd/-**  
**Naveen Verma**  
(Chairman)