

REAL ESTATE REGULATORY AUTHORITY, BIHAR

2nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10, Patna -
800023

**Before the Double Bench of Hon'ble Chairman, Mr. Naveen
Verma & Hon'ble Member, Mrs. Nupur Banerjee**

Case No.:- RERA/CC/1808/2020

Mrs. Nilam Singh.....Complainant

Vs

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

Project: PG Town, Block – C

15.02.2022

ORDER

This matter was last heard before Double Bench on 20.01.2022.

The case of the complainant is that she booked flat no. 103, 306 and 307 in Block C of PG Town on 1/11/2018 by paying total sum of Rs. 26,00,000/- in instalments on different dates. The complainant submitted that the construction of the project has not started till now. Hence she has filed the present case seeking relief for refund with 12% compound interest along with compensation and cost of litigation.

The complainant has placed on record M.O.U. dated 01/11/2018 for flat no. 306, KYC dated 23/07/2018 for Flat no. 306, Money receipts for flat no. 306 bearing no. 3220 dated 23/07/2018 for Rs. 3,50,000/-, receipt no. 3306 dated 28/08/2018 for Rs. 1,00,000/-, receipt dated 7/12/2018 for Rs. 1,50,000/-, receipt no. 3499 dated 30/10/2018 for Rs 1,00,000/- and receipt no. 3728 dated 19/01/2019 for Rs. 1,00,000/-, M.O.U. dated 1/11/2018 for flat no. 307, KYC dated 23/07/2018 for flat no. 307, money receipts for flat no. 307 bearing no. 3219 dated 23/07/2018 for Rs. 3,50,000/-, receipt no. 3307 dated 28/08/2018 for Rs 1,00,000/-, receipt no. 3498 dated 30/10/2018 for Rs. 1,00,000/-, receipt dated 7/12/2018 for Rs. 1,50,000/- and receipt no. 3729 dated 19/02/2019 for Rs. 1,00,000/- and M.O.U. dated 01/11/2018 for flat no.

103, KYC date 16/06/2018 for Flat no. 103, money receipts for flat no. 103 bearing no. 3097 dated 16/06/2018 for Rs 5,00,000/-, receipt no. 3201 dated 17/07/2018 for Rs 2,00,000/-, receipt no. 3305 dated 28/08/2018 for Rs 1,00,000/-, receipt no. 3730 dated 19/02/2019 for Rs. 1,00,000/- and receipt no. 4175 dated 23/11/2019 for Rs. 1,00,000/-
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The respondent has not filed any reply in this case. However, Mr. Alok Kumar, Managing Director of the respondent company was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that the project is unregistered and it is apparent from the document filed by the complainant that the respondent has violated section 3 of the RERA Act, 2016 and directs that Suo Moto proceeding U/s 59 of the Act may be initiated against the respondent.

On the last date of hearing, the complainant reiterated her request for refund.

The Bench directs the Respondent Company and its Directors to refund the amount of Rs. 26,00,000/- to the complainant along with interest at the rate of Marginal cost of lending rate (MCLR) as applicable for two years from the date of deposit to the date of refund within sixty days of issue of this order.

The complainant is at liberty to press her claim for compensation before the court of Adjudicating Officer.

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

Sd/-

Nupur Banerjee

Member

Sd/-

Naveen Verma

Chairman