

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

Case No: RERA/CC/382/2021

Nimisha Kumari

...Complainant

Vs.

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

...Respondent

Project: PG Town Block F

Present: For Complainant: In person
For Respondent: Adv Sumit Kumar

ORDER

05.04.2022

07.04.2022 This matter was last heard before Double Bench on 22.02.2022.

The case of the complainant is that she booked flat no. 404 in Block F of PG Town having area of 1300 sq.ft. by making total payment of Rs.15,00,000 (Fifteen Lakh Only). Since there was no development /construction of the project, the complainant requested for refund which has been given by the respondent company. Therefore, complainant has prayed for refund of booking amount along with interest and compensation.

The complainant has placed on record copy of Aadhar card of complainant, KYC form, booking confirmation letter from the respondent, money receipt bearing no. 3015 for Rs. 2,00,000/-, receipt no. 3041 for Rs. 1,00,000/-, receipt no. 3040 for Rs. 1,00,000, receipt no. 3048 for Rs. 1,00,000/-, receipt no. 3149 for Rs. 1,00,000/-, receipt no. 3223 for Rs. 1,40,000/-, receipt no. 3265 for Rs. 1,00,000/-, receipt no. 3267 for Rs. 60,000/-, receipt no. 3317 for Rs. 50,000/-, receipt no. 3350 for Rs. 50,000/-, receipt dated 31/05/2018 for Rs. 1,00,000/-, receipt dated 02/06/2018 for Rs. 4,00,000/-, and M.O.U. dated 02/11/2018.

Perused the record, no reply has been filed by the respondent. The respondent appeared on the last date of hearing and has not challenged the submission of the complainant.

On the last date of hearing, the complainant submitted that she wanted refund of the deposited amount.

It is also 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 of both the parties the Authority hereby directs the respondent company and their Directors to refund the principal amount of Rs.15,00,000/- 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.

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)