

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

**Case No: RERA/CC/383/2021**

**Raushan Kumar**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: PG Town Block F**

**Present: For Complainant: Adv Deepak Kumar**

**For Respondent: Adv Sumit Kumar**

**ORDER**

**07.04.2022**

This matter was last heard before Double Bench on 22.02.2022.

The case of the complainant is that he booked flat no. 308 in Block F of PG Town having area of 1300 sq.ft. by making total payment of Rs.10,00,000 (Ten Lakh Only). Since there was no development/construction of the project, the complainant requested for refund and since this was not paid, he has filed this case for refund of booking amount along with interest and compensation.

The complainant has placed on record copy of Aadhar card of complainant, copy of PAN card of complainant, KYC dated 01/08/2019, money receipt bearing no.4063 for Rs. 1,00,000/-, receipt no. 4106 for Rs. 4,00,000/-, receipt no. 4163 for Rs. 3,75,000/- and receipt no. 4165 for Rs. 1,25,000/- .

Perused the records, 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 counsel of complainant submitted that he wanted refund of the deposited amount.

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.10,00,000/- 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)