

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Members**

Case No. CC/675/2019

Pankaj Kumar Sinha.....Complainant

Vs

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

PROJECT: - PG Town

ORDER

05-04-2022

08-04-2022

This matter was last heard before Double Bench on 22.02.2022.

The case of the complainant is that he had booked a flat bearing flat no. 602 in “Agrani PG Town” Block-N on 17-10-2017, having area 1300 Sq.Ft and paid Rs.3.51lakh. He further submitted that even after lapse of one and half years from the date booking, no development has yet been started by the respondent over the project site. He also submitted that on various occasions, he met Mr. Alok Kumar, Director of the respondent company and sent letter on 26-03-2019 but no steps have been taken by them regarding the refund of his deposited amount. He also submitted that a legal notice was also sent through lawyer on 06-05-2019 for which reply has been made assuring that soon the money will be refunded but since no money has been received the complainant has filed the present case seeking relief for the refund of the deposited amount with interest.

The complainant has not placed any money receipts on record. Further, the complainant has placed on record KYC Form dated 17-10-2017, legal notice dated 26-03-2019 & 06-05-2019.

The respondent has not filed any specific reply in this case. However, Mr. Alok Kumar, Managing Director of the respondent company along with learned counsel Mr. Sumit Kumar and Mr. Satwik Singh, Legal Representative 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 respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016.

After considering the submissions made, the Authority directs the respondent company and their Directors to refund the principal amount of Rs 3.51 lakhs as claimed to have been deposited by 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/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)