

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/1656/2020

Mr. Arun Kumar.....Complainant

Vs

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

Project: PG Town, Block – C

15.02.2022

18.02.2022

ORDER

This matter was last heard before Double Bench on 20.01.2022.

The case of the complainant is that he booked flat no. - 206 in "AGRANI P.G TOWN" Block- C in November 2019 having area 1000 Sq.ft for a total consideration of Rs.12,00,000/-. Later on the respondent company conveyed the complainant to purchase another flat instead of Flat No.- 206 . As this was not acceptable to the complainant he demanded refund of his deposited amount. The complainant has stated that he visited the company office several times, gave cancelation application as well as legal notice, but till today the company has not returned the amount paid. Hence, the complainant has filed the present case seeking refund of amount paid with interest and compensation of Rs 5 lakhs.

The complainant has placed on record M.O.U. dated 12/12/2019 for flat no. 206, KYC dated 29/11/2019 for Flat no. 206, Money receipts dated 29.11.2019 bearing no. 4179,4180,4181,4182, and 4183 for Rs. 50,000, Rs. 49,999, Rs.1,00,000, Rs. 15,000, and Rs.85,000 respectively money receipt dated 2/12/2019 bearing no. 4193, 4192, 4191, 4190 and 4189 for Rs.99,000, Rs.1,000, Rs.1,00,000, 75,000 and 25,000 respectively, booking cancellation application dated 31/12/2019.

On the last date of hearing dated 20.01.2022 the complainant submitted that on 29/11/2019 he booked a flat under onetime payment scheme and paid Rs.6 lakh. However, since no work was done in the project and also the project has not got approval and registration from RERA, he wanted refund of the deposited money with interest and not interested in the proposal offer by Mr. Alok Kumar regarding taking of flat/ land.

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 Real Estate (Regulation and Development) Act, 2016 and directs that Suo Moto proceeding U/s 59 of the Act may be initiated against the respondent.

The Bench directs the Respondent Company and its Directors to refund the principal amount of Rs 6.00 lakhs to the complainant along with interest at the rate of Marginal cost of lending rate (MCLR) as applicable for one year from the date of deposit to the date of refund within sixty days of issue of this order.

So far as claim of compensation is concerned, the complainant is at liberty to approach before the Adjudicating Officer.

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

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman