REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1749/2020

Ranveer Chandra and Mrs Isha Kumari ...Complainant Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - IOB Nagar, Block Q

Present: For Complainant: In Person For Respondent: Mr. Sumit Kumar, Advocate

ORDER

05.05.2022

The matter was last heard on 19.04.2022.

The fact of the case is that the complainants had booked a flat bearing no-503 having an area of 975 Sq. Ft. in the project on 29.03.2019 by making total payment of Rs.1,00,000. They further submitted that since project was not registered with RERA as per the commitment made by the respondent, they sent an application for cancellation of booking on 25.09.2019. While their request for refund along with interest was duly acknowledged by the respondent on 25.09.2019 no refund was initiated, and hence the matter has been filed for refund of booking amount along with interest.

The complainants have placed on record a copy of cancellation application dated 25.09.2019, copy of KYC, copy of cheque no:377377 of Rs.1,00,000 for which receipt no: 631 issue by the respondent.

During the complainants reiterated their prayer stating that they are not interested in any alternative offer.

The learned counsel for the respondent submitted that complainant is not interested in the offer proposed by them.

It is apparent from the documents file by the complainant that notwithstanding the fact that the project was no registered, the promoter went ahead with new booking in 2019. This is a violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo Moto 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 Director to refund the principal amount of Rs.1,00,000/- 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 one year from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-Naveen Verma (Chairman)