

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

**Mrs.Nupur Banerjee, Member**

**Case No: RERA/CC/1761/2020**

**Hari Kishore Sah**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: PG Town Block F**

**ORDER**

**22.02.2022**

This matter was last heard before Double Bench on 25.01.2022.

The case of the complainant is that he booked flat no. 104 in Block F of PG Town having Area of 1300 sq. ft by making total payment of Rs16,80,000 (Sixteen Lakh Eighty Thousand Only). The respondent assured to complete the construction and hand over the peaceful possession of the flat by early 2020. Since there was no development of the project, complainant has prayed for refund of booking amount along with interest and compensation.

The complainant has placed on record copies of receipt bearing no. 3282,3285,3304,3311, 3321, 3353, 3365, 3196, 3376, 3452, 3462, 3463, 3520, 3532, 3545, 3563, 3538, 3539 & 3536 issued on various dates by the respondent company which amounts to Rs.16,80,000 in total and a supplementary affidavit dated 29.01.2021 filed on behalf of the complainant in which he has

prayed for possession of the flat with parking space or in alternative refund of the deposited amount with interest and compensation.

No reply has been filed by the respondent. Mr. Alok Kumar, M.D of the respondent company had submitted that on the last date of hearing that he would approach the allottees with the proposal of alternative land/flat and will make adjustment and if they want refund, he would submit the plan for refund.

On the last date of hearing, the learned counsel of the complainant submitted that complainant wants refund of the deposited amount with interest. He further submitted that he is not interested in the proposal offered by Mr. Alok Kumar, M.D. of the respondent company.

The Bench observed that the complainant has been filed seeking relief for the possession of the flat and directed the complainant to file an affidavit within one week amending his prayer in complaint that he wants refund with interest instead of possession.

The Bench notes that the complainant has filed an affidavit dated 21.02.2021 in which he expressed to amend his earlier prayer made in his complaint before the Authority from possession to refund of 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 bench hereby directs the respondent company and their Directors to refund the principal amount of Rs16,80,000/- 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 other 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)