

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman

& Mrs. Nupur Banerjee, Member

Case No. CC/575/2019

Manoj Kumar.....Complainant

Vs

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

Project: Agrani Sunshine Enclave

ORDER

19-05-2022

The matter was last heard on 11.05.2022 inadvertently by the Single Bench while the matter was already posted for orders after hearing concluded before the Double Bench in February 2022. Hence orders are being pronounced by the Double Bench.

The case of the complainant is that he booked a flat in, Block-B in the project Agrani Sunshine Enclave for the consideration amount of Rs.16,56,600 /- against which he paid Rs.14,00,000/- (Rupees Fourteen lakh only) and executed a memorandum of understanding on 30.09.2016 with the respondent. Later on the complainant sent a letter on 01.09.2017 to the respondent for a refund of the deposited amount due to fraudulent act of respondent, but no response was received from the respondent. Further a legal notice was sent to the respondent on 28.08.2018 for the breach of the memorandum of understanding, after that the respondent

refunded Rs.1,75,000/-. Since the respondent has failed to hand over the possession of the flat the complainant has filed the present case praying for refund of remaining principle amount along with interest.

The complainant has placed on record a copy of the memorandum of understanding dated 30.09.2016, various money receipts issued by the respondent company against payment, Copy of letter requesting the respondent for a refund of money dated 01.09.2017. Copy of legal notice for breach of memorandum of understanding dated 30.09.2016.

On the last date of the hearing, the learned counsel for the complainant has reiterated his prayer.

Having heard the submission of both the parties the Bench hereby directs the respondent company and their Director to refund the principal amount of Rs. 12,25,000/- to the complainant along with interest at the rate of the marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus one percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)