

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

Case Nos. RERA/CC/281/2019

Basant Kumar Jha

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - Shri Krishna Kunj

ORDER

19.05.2022

The matter was last heard on 07.04.2022 and fixed for orders on 5.5.2022. However, orders could not be passed on that date.

The case of the complainant is that he had booked a flat in the project Shri Krishna Kunj in 2013 and paid Rs.8,50,000/-. As the respondent failed to hand over the possession of the flat in 2016 as promised by him, the complainant sent an application on 26.05.2018 for cancellation of the booking. This was duly acknowledged by the respondent but since no refund was initiated, the complainant filed this case for refund with interest.

The complainant has placed on record copy of KYC, money receipt no. - 241, 252, 104, 595, cheque no: 844414 for Rs. 2,10,000/- and cancellation letter dated 26.05.2018.

The Authority recalls that on 12.04.2019, the director of the respondent company submitted a notarized letter stating therein that they were ready to refund the deposited amount for which they needed 4 months' time. However, the amount has not been paid as yet as on the last date of hearing, the complainant submitted that the respondent had refunded 50% of the paid consideration and requested for the refund of remaining consideration with interest.

The records available in the Authority have been verified. A sum of Rs. 4.25 lakhs have been paid to the complainant by way of Demand Draft No. 408212 dated 20.03.2021 drawn on Punjab National Bank by the Authority out of the money received from the respondent company vide Demand Draft no. 796841, which has been duly received by the complainant on 24.03.2021 and an Indemnity Bond to this effect has also been executed by the complainant.

The Bench observes that a cost of Rs. 10,000/- was imposed upon the respondent for non-appearance before the Bench by hearing dated 19/10/2019. The Bench directs the respondent to pay the cost within 30 days.

Having heard the submissions of both the parties the Bench hereby directs the respondent company and their Director to refund the remaining Rs. 4.25 lakhs 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 or more plus five percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

With these direction and observation, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)