

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman,
Mrs. Nupur Banerjee, Members**

Case No. RERA/CC/419/2021

Mr. Samir Kumar Singh..... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: IOB Nagar, Block N

**Present: For Complainant: Mr. Birendra Kumar
For Respondent: Mr. Satwik Singh, Legal
Representative**

ORDER

19.05.2022

This matter was heard along with the batch cases before the double bench 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 booked a flat having an area of 1300 sq. ft. in the year 2016, of the proposed project "IOB Nagar Block N". He deposited Rs.3,12,000/- (Rupees Three Lakh Twelve Thousand Only) as an advance through cheque. The total amount of consideration to be paid was Rs.15,00,000/- (Rupees Fifteen Lakh Only). The complainant submitted that since the respondent company did not honour their assurance of handing over the flat he filed this matter for cancellation of flat and refund of the principal amount along with interest.

He has filed money receipt no.5269 and 5358 and Bank Statement of ICICI Bank. The complainant has paid Rs.2,12,000/- (Rupees Two Lakh Twelve Thousand) vide cheque no.737659 & 737660 dated 04.11.2016 for which money receipt no.5269 dated 28.12.2016 was issued, Rs.1,00,000/- (Rupees

One Lakh) vide cheque no.737661 dated 03.12.2016 for which money receipt no.5358 was issued.

Perused the records of the case. No reply has been filed by respondent company. However, Mr. Satwik Singh, Legal Representative of the respondent company was present on last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Authority, takes note of the submissions and documents filed by the complainant and observes that she ought to have sent a letter for cancellation directly to the respondent and approach the Bench only if the refund was not made. The prayer for direction for cancellation of booking is not an acceptable practice.

However, in the absence of any reply by the respondent, the Authority directs the respondent and their Directors to refund the principal amount of Rs.3,12,000/- 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 three years or more plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

With these directions, the matter stands disposed of.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)