

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

Case No. RERA/CC/531/2019.

Anamika Srivastava..... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: Daffodil City - Block F

ORDER

23-06-2022

The matter was last heard before the Double Bench along on 24.02.2022. The matter was thereafter wrongly listed before the Learned Single Bench on 31.05.2022 and posted for order on 23.06.2022 before the Double Bench.

The case of the complainant is that she booked a flat measuring 1250 sq ft for a total consideration of Rs. 36.75 lakhs. The complainant paid a sum of Rs 5 lakhs to the promoter on 27.07.2018 through cheque no. 30553 drawn on Allahabad Bank, Hajipur Branch. It has further been stated that due to personal issues the allottee sent a letter dated 26.04.2019 to the promoter to cancel the booking of the flat. However, as alleged, no action was taken by the respondent company till date. The complainant has also alleged that no agreement was executed by the respondent company with her. Therefore, the complaint has been filed praying for refund of the principal amount.

The complainant has placed on record cheque of Rs 5 lakhs and its money receipt, KYC form and cancellation letter dated 26.04.2019.

Perused the records. The respondent has not filed any written reply. However, Mr. Satwik Singh, legal representative of the respondent company and his learned counsel were both present on all the hearings and they have not challenged the contention of the complainant and the facts are being admitted.

It is 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 the year 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. This matter may be included in the suo motu proceedings against the respondent under section 59 of the Real Estate (Regulation and Development) Act, 2016.

During the course of hearing, the complainant requested for refund of the deposited amount along with interest. The respondent company orally submitted that out of Rs 5 lakhs, a sum of Rs 1 lakh has been refunded to the complainant and only Rs 4 lakhs is yet to be refunded.

The Bench notes that the application of registration of Project titled name "Daffodils City" has been rejected by the Authority by its letter dated 27.8.2021.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.4,00,000/- along with interest calculated on it at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of deposit to the date of refund within 60 days from the date of issue of order.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)