

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

RERA/CC/297/2021

Nishant Kumar

.....Complainant

Vs

M/s Agrani Homes Real Marketing Pvt. Ltd.

.....Respondent

Project:Agrani SBI Nagar

27.12.2022:

ORDER

This matter was last heard on 20.12.2022.

The case of the complainant is that he had entered into an agreement on 15.03.2017 for purchase of flat in the project Agrani SBI Nagar and had deposited Rs.14.63 lakh against the total consideration amount of Rs.16 lakh.

However, as the work has not commenced despite having been paid 90% of the consideration amount, the complainant has filed this matter for refund of principal amount with interest and compensation.

Since the respondent has neither appeared nor filed any reply, ex-parte orders are being pronounced.

The complainant has filed copy of the MOU signed on 15.10.2017 with the respondent company in which it is mentioned that Rs.14 lakh plus Rs.63,000/-, as service tax, has been paid by the complainant. The complainant has also filed statement of accounts and the receipts issued by the respondent company, and on this basis, his claim is being admitted.

The Authority notes that the complainant has not filed copy of letter of cancellation of booking sent to the respondent company. The complainant ought to have approached the Authority only after they had sent letter of cancellation to the respondent. However, since the matter has been taken up, order is being pronounced.

In view of the submissions made by the complainant , the Authority directs the respondent company and its Director, Mr. Alok Kumar to refund the principal amount of Rs.14.63 lakh to the complainant along with interest calculated from the

date of booking to the date of refund at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus 1% within 60 days.

The complainant is at liberty to press his claim of compensation before the Adjudicating Officer.

Sd/-

(Naveen Verma)
Chairman