

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/CC/314/2021

Anupam Shukla Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: IOB Nagar, Block L

15.07.2021

ORDER

30.11.2021

This matter was last heard along with the batch cases before the Full Bench on 29.06.2021.

The case of the complainant is that he booked a flat No. 507, having a super built up area of 1300 sq. ft. in the year 2013, in block- L of the proposed project "IOB Nagar" of respondent company and deposited Rs.15,46,350/- (Fifteen Lakh Forty Six Thousand Three Hundred Fifty Only) as an advance through cheque. The total amount of consideration to be paid was Rs.17,52,530/- (Seventeen Lakh Fifty-two Thousand Five hundred Thirty Only).The complainant has filed a copy of the MOU that was entered into with the respondent company on 27.07.2013. As per the MOU the complainant has paid Rs.2,00,000/- (Two Lakh) vide cheque no. 513806 dated 31.05.2013, Rs.2,00,000/- (Two Lakh) vide cheque no. 622007 dated 20.06.2013, Rs.4,00,000/- (Four Lakh) vide cheque no. 622006 dated 31.05.2013, Rs.4,00,000/- (Four Lakh) vide cheque no. 513807 dated 31.05.2013, Rs.3,00,000/- (Three lakh) vide cheque no. 622010 dated 26.07.2013, Rs. 46,350 (Forty Six thousand Three hundred fifty) vide cheque no. 632423 dated 26.07.2013. However, complainant have filed receipt of Rs.15,00,000/- (Fifteen Lakhs) issued by the respondent company having money receipt no.349 dated 31.05.2013, and prays for refund of Rs.15,00,000/- only along with interest on it.

Perused the records of the case. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the last date of hearing and

have not challenged the submission of the complainant. Mr. Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Bench notes that the application of the respondent for Registration of his real estate project "IOB Nagar" was rejected through letter dated 06.09.21.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.15,00,000/- to the complainant along with the 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 amount to the date of refund within sixty days of the issue of this order

With these directions, the matter stands disposed of.

Sd/-
Naveen Verma
(Chairman)

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)