

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman**

RERA/CC/32/2022

Deepak Kumar

.....Complainant

Vs

M/s Agrani Homes Real Marketing Pvt. Ltd.

.....Respondent

Project: Agrani PG Town Block-H.

31.01.2023:

ORDER

This matter was taken up by the Conciliation Forum on 04.05.2022 and referred to the Authority on 19.07.2022 as the conciliation had failed.

The case of the complainant is that he had paid Rs.3.32 lakh between July,2019 to September, 2019 for flat in the project "Agrani PG Town" of the respondent company. Since the respondent did not give the possession of flat as promised in 2020, the matter was filed for refund with interest.

During conciliation proceeding the respondent company had submitted that if the interest is waived by the complainant they would pay the principal amount in two installments within 60 days. However, the respondent neither attended meeting of the Conciliation Forum nor paid any amount to the complainant. The matter was referred to the Authority for adjudication.

The Authority issued notice to both the parties but they did not appear and hence order is being passed on the bass of documents and records. The claim of the complainant is admitted on the basis of the documents filed by him which was not challenged by the respondent during conciliation.

The Authority takes note of the submissions of the respondent before the Conciliation Forum and the claim of the complainant is admitted on that count also.

Since the respondent failed to appear and hence ex-parte order is being passed.

It is clear from the papers submitted by the complainant that the booking was made by the respondent without getting the project registered which is in violation of Section 3 of Real Estate (Regulation and Development) Act, 2016 and hence, the Authority directs that suo-moto proceeding may be initiated against the respondent company.

After considering the submissions of the promoter and the complainant and the documents filed by the complainant, the Authority directs the respondent company and its Director, Mr. Rana Ranveer Singh and Mr. Alok Kumar to refund the remaining principal amount of Rs.3.32 lakh along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years within 60 days from the date of booking to the date of refund.

With these directions/observations the matter is disposed of.

Sd/-
(Naveen Verma)
Chairman