

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Naveen Verma, Hon'ble Chairman

RERA/CC/409/2021

Poonam KumariComplainant

Vs.

M/s Agrani Homes Pvt. Ltd... Respondent

PROJECT : "I.O.B Nagar" Block – "O"

Order

10.08.2022

This matter was last heard on 22.06.2022.

The case of the complainant is that she booked a flat in the project **I.O.B Nagar** for total consideration amount of Rs. 18,04,075/- in December 2013. Memorandum of understanding was executed on 25.02.2014. She has already paid Rs.16,49,440/-. As per the M.O.U the respondent was supposed to handover the flat within 36 months with a relaxation of 6 months, however the respondent failed to do so. Hence, the complainant has filed the present case praying for refund of amount paid with interest and compensation of Rs.5,00,000/- and legal expenses of Rs.55,000.

The complainant has placed on record K.Y.C, Memorandum of understanding, and money receipts duly issued by the respondent company against payment of Rs. 16,49,440/-

On the last date of hearing Mr. Ishtiyaque Hussain, learned counsel for the complainant reiterated this prayer. He further submitted that the project name in the complaint petition has been inadvertently mentioned as SBI Nagar instead of I.O.B Nagar and requests to amend the same. The Bench notes the submission of learned counsel for the complainant and the same is being amended. The Learned Counsel for the complainant further submitted that the complainant is not interested in any alternative offer given by respondent and requested for refund with interest.

Perused the records. No reply has been filed by the respondent.

The Bench notes that a penalty of Rs. 5,000/- was imposed on the respondent for not complying the direction of the Bench for non-appearance which has not been deposited till date.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

Having heard the submission of both the parties the Bench hereby directs the respondent company and its Director to refund the principal amount of Rs. 16,49,440/- 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 plus four percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

As far as the penalty of Rs. 5,000 imposed upon the respondent company is concerned, the Bench notes that if the said amount is not paid within the period of 30 days as stated above, failing which action may be initiated under order 21 rule 30 of C.P.C read with section 40(1) of the RERA Act.

So far as other claims are concerned, the Bench observes that these are in the nature of compensation. The complainant is at liberty to press these claims before the Adjudicating Officer.

With these directions and observations, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)