

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mrs. Nupur Banerjee, Member

Case No. CC/523/2019

Mina Devi.....Complainant

Vs

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

Project: IOB Nagar C-O2

ORDER

26-05-2022

This matter was last heard on 24-05-2022. The present complainant had been filed under section 31 of the Real Estate (Regulation and Development) Act, 2016.

The case of the complainant is that she booked a 2 BHK flat in the project IOB Nagar C-O2 with the respondent company for a total consideration of Rs.24.12 lakh. The complainant submits that she had paid total amount of Rs.6,63,000/- to respondent company in respect to the booking of flat. She further placed a letter dated 09-03-2018, addressed to respondent asking for the refund of the money paid but since, it was not refunded, she filed present case seeking relief to return of the deposited money along with interest.

The complainant has placed on record payment schedule dated 11-02-2019, issued by respondent company wherein it is mentioned that total amount received by respondent from complainant is Rs. 6,63,300/-. Further, the complainant has also placed on record letter dated 09-03-2018 and KYC form dated 28-02-2018.

On 11-10-2019, respondent has filed reply stating therein that they are ready to pay the actual amount which complainant has deposited in the company within 4 months.

During the last hearing on 24-05-2022, learned counsel for complainant has submitted that complainant has booked a flat and now wants refund of the deposited amount of Rs.6,63,300/- with interest.

No one appears on the behalf of respondent during the course of last hearing.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent has booked apartments without registering the real estate project with RERA for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Bench also notes that respondent in their reply dated 11-10-2019 has prayed for 4 months time to refund the amount but it appears that even after that the respondent has not acted and refunded the amount of complainant till date, therefore, considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.6,63,300/- 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 two years from the date of taking the booking within sixty days of issue of this order.

Sd/-
Nupur Banerjee
(Member)