

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mrs. Nupur Banerjee, Members

Complaint Case No. RERA/CC/560/2021

Mrs. Rubi Nisha.....Complainant

Vs.

Agrani Homes Real Marketing Pvt. Ltd.....Respondent

Project: Agrani S.B.I. Nagar

For Complainant: Mr. Praveer Yadav, Advocate

For Respondent : None

26.08.2022

ORDER

The matter was last heard on 28.07.2022.

The case of the complainant is that she booked a flat in the project "Agrani SBI Nagar" for total consideration of Rs.13,00,000/- in 2015 against which she had paid Rs.6,50,000 /- to the respondent. Since till date, there is no development at the project site and the respondent has failed to handover the possession of the flat, therefore, she filed present case seeking relief for refund of the deposited amount along with interest.

The complainant has placed on record a copy of the M.O.U. dated 25-12-2017, signed between the parties and money receipt of Rs.6,50,000/- duly issued and acknowledged by the respondent company.

Perused the record of case. The respondent has not filed any specific reply and even not appeared during the course of hearing despite issues of notices and summon, hence, ex-parte order is being pronounced.

On the last date of hearing, learned counsel for the complainant reiterated his prayer for refund.

The Bench observes that on the last hearing a penalty of Rs.10,000/- was levied upon the respondent for non appearance despite issued of summon, therefore, respondent is directed to deposit the levied penalty amount immediately, failing which, it can be recovered as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21, Rule 30 of the Code of Civil Procedure, 1908.

The Bench takes the note of submission of petition by complainant amending form from 'N' to 'M' addressing to Authority and praying therein for refund of the amount paid with interest.

The Bench also takes the note of cancellation letter dated 13-08-2022 brought on record by complainant, sent to respondent in compliance to last hearing direction, asking from respondent for the refund of the amount paid to respondent in lieu booking of flat because of not handing over the possession of flat within the stipulated time.

After considering that the booking has been made by the complainant in 2015 and till date the project has not been developed by the respondent and in the light documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.6,50,000 /-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 three percent from the date of taking the booking within sixty days of issue of this order.

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

Sd/-

Nupur Banerjee
(Member)