

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

RERA/CC/568/2021

Lal Mohan Prasad Singh.....Complainant

Vs.

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

PROJECT: “Agrani IOB Nagar Block - R”

Order

26-08-2022

This matter was last heard on 28.07.2022.

The case of the complainant is that he booked a flat in the project Agrani, I.O.B Nagar, in R block and paid Rs. 15,70,000/- in 2018. As the respondent has failed to handover the possession of the flat, the complainant has filed the present case praying for the refund of the amount paid with interest and compensation.

The complainant has placed on record cancellation letter and money receipts of Rs.15,80,000/-, duly acknowledged and issued by respondent.

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, the complainant has submitted that he booked a flat and made one-time payment of Rs.16 lakh but till date no work has been initiated. He wants refund of the money with interest. He has already sent the cancellation letter.

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 also notes that complainant in complaint petition has alleged that he had paid Rs.15.70 lakh to respondent, in submissions during the last hearing, he submitted Rs.16 lakh paid to respondent but on record, he has placed the money receipts of Rs.15.80 lakh only.

After considering that the booking has been made by the complainant in 2018 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.15,80,000 /-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.

The complainant is at liberty to approach the Adjudicating Officer under relevant sections of the Act for other claims, which are in the nature of compensation.

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

Sd/-
Nupur Banerjee
(Member)