

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman
and Mrs. Nupur Banerjee, Member**

Case No. RERA/CC/1791/2020

Abhishek Kumar..... Complainant

Vs.

**Agrani Homes Real Marketing Pvt. Ltd. through its Authorised Signatory Director
Sri Alok Kumar.....Respondent**

Project: Daffodil City - Block F

Present: For Complainant: In person
For Respondent: Mr. Rana Ranvir Singh, Director

ORDER

6-12-2021 This matter was last heard along with the batch cases before the double bench on 25.11.2021.

The case of the complainant is that he had booked a flat bearing no. 208 admeasuring 1350 sq ft. in Daffodils City on 28.01.2016. A memorandum of understanding was executed between the complainant and the respondent company on 06.09.2017 and the total consideration of the flat was Rs. 38,10,000/-. The complainant submitted that he was given assurance that the construction work would start in April 2016. He further submitted that upon demand of the respondent company, the complainant paid 20% of the total cost i.e., Rs.7,89,623/- as booking amount vide two transaction i.e. Rs. 4,00,000/- on 28.01.2016 and Rs. 3,89,623/- on 30.01.2016 via NEFT in company's bank account against which 2 money receipts bearing nos. 918 and 922 were issued by the respondent company.

The complainant has further stated in his complaint that when he enquired about the status of the project, he learnt that no land has been acquired by the company for the said project and company has not even applied for RERA approval for the proposed Block F. Thereafter, the complainant demanded refund of the paid amount from the respondent company, but no refund has been made till date. Therefore the case has been filed seeking refund of the paid amount with interest.

The complainant has placed on record the memorandum of understanding dated 06.09.2017, money receipts bearing nos. 918 and 922.

Perused the records of the case. The respondent company has not filed any written reply. Mr. Alok Kumar, Managing Director and Rana Ranveer Singh, Director of the respondent company were both present in all the hearings and they have not challenged the contention of the complainant and the facts are being admitted.

The Bench notes that the application of registration of Project titled name "Daffodils City" has been rejected by the Authority by its letter dated 27.8.2021. The respondent company is at liberty to file a fresh application for registration under Sec 4(1) of the Act.

The Authority also notes that on the last date and also previously, Mr. Rana Ranvir Singh, one of the Directors of the respondent company had requested for time to refund the due amount and assured that the money would be refunded by next month i.e. December 2021. The respondent company was directed to submit the same on affidavit but no affidavit has been filed to this effect.

The Bench notes the respondent company has not complied with the directions even after repeated reminders and orders and therefore a penalty of Rs. 25,000/- is imposed upon the respondent company to be paid within a week of this order.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.7,89,623/- and pay interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking to the date of refund within sixty days of issue of this order.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)