

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Full Bench of Mr. Naveen Verma, Chairman,
Mr. R.B. Sinha and Mrs. Nupur Banerjee, Members

Case No. RERA/CC/64/2021.

Kaushal Kishore Kaushal..... Complainant

Vs.

Agrani Homes Real Marketing Pvt. Ltd. Respondent

Project: Daffodil City - Block F

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

ORDER

30-09-2021

This matter was last heard along with the batch cases before the full bench on 09.09.2021.

28-10-2021

The case of the complainant is that he booked a flat on 27.11.2017, in respondent's proposed project i.e. Daffodil City - Block-F, bearing flat No. 204, having an area of 1350 sq. ft and deposited Rs.4,00,000/- as an advance through cheque and for which he has filed a copy of money receipt and cheque issued by him.

Perused the records. The respondent has not filed any written reply. However, since Mr. Alok Kumar, Managing Director and Rana Ranveer Singh, Director of the respondent company were both present on the last date of hearing and they have not challenged the contention of the complainant and the facts are being admitted.

It is apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in November 2017. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

During the hearing held on 9.9.2021, the complainant requested for refund with interest.

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 Authority also notes that on the last date Mr. Alok Kumar, Managing Director of the respondent Company had requested for time to refund the due amount.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.4,00,000/- along with interest calculated on it 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 60 days from the date of issue of order.

Sd/-
Naveen Verma
(Chairman)

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)