

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs. Nupur Banerjee, Members**

Case No. RERA/CC/67/2021

Siddheshwar Pathak..... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: IOB Nagar, Block L

15.07.2021

ORDER

30.11.2021

This matter was last heard along with the batch cases before the Full Bench on 29.06.2021.

The case of the complainant is that he booked a flat No. G01, having a super built up area of 1300 sq. ft. and one reserve car parking space in the basement on 14.09.2013, in block- L of the proposed project "IOB Nagar" of respondent company and deposited Rs.15,46,350/- (Fifteen Lakh Forty-Six Thousand Three hundred Fifty Only) as an advance through cash and cheque. The total amount of consideration to be paid was Rs.17,00,985/- (Seventeen Lakh Nine hundred Eighty Five Only). The complainant has paid Rs.3,00,000/- (Three Lakh) vide cheque no.565813 dated 21.09.13, and Rs.5,25,000/- (Five Lakh Twenty Five Thousand) vide cheque no.565815 dated 04.10.13 for which money receipt dated 11.10.2013 was issued, Rs.3,00,000/- (Three Lakhs) vide cheque no.565816 dated 11.10.2013 for which money receipt dated 31.10.2013 was issued, Rs.4,10,240/- (Four Lakhs Ten Thousand Two hundred forty) cash dated 01.10.2013, for which money receipt dated 01.10.2013 was issued, Rs.11,111/- (Eleven Thousand Eleven Hundred Eleven) cash dated 14.09.2013 for which money receipt dated 31.10.2013 was issued. Since no development/construction of project took place, complainant prays for refund of booking amount along with interest on it. He has filed a copy of the MOU dated 01.11.2013, that was entered into with the respondent company.

Perused the records of the case. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the last date of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Bench notes that the application of the respondent for Registration of his real estate project "IOB Nagar" was rejected through letter dated 06.09.21.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.15,46,350/- to the complainant along with the interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years or more plus two percent from the date of taking the booking amount to the date of refund within sixty days of the issue of this order

With these directions, the matter stands disposed of.

Sd/-

Naveen Verma
(Chairman)

Sd/-

R B Sinha
(Member)

Sd/-

Nupur Banerjee
(Member)