

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Hearing Before the Bench of Mr. Naveen Verma, Chairman,

& Mrs. Nupur Banerjee, Member RERA , Bihar

Case No. :- RERA/CC/676/2019

Manoj KumarComplainant

Vs

M/s Agrani Homes Pvt. LtdRespondent

Project : Agrani Sapphire

17/02/2022

21.02.2022

Order

The matter was last heard before the Double Bench on 01.02.2022

The case of the complainant is that he booked flat no. 205 of area 1280 sq.ft in block-“C” of the said Project “Agrani Sapphire” on 19.06.2017 for total consideration of Rs.30,52,000 (Thirty lakh Fifty Two Thousand Only). The complainant has paid Rs.1,50,000 (One Lakh Fifty Thousand) but since there was no development in the project he filed an application on 14.01.2019 to cancel the booking and refund of the amount. On 05.05.2019 a legal notice was sent for refund of the amount paid along with interest against which the respondent filed reply on 16.05.2019 stating that they will pay the principal amount i.e Rs.1,50,000 within a short period of time . However the respondent had stated in the reply that the complainant is not eligible for any interest on the advance amount as t booking was cancelled on his request. Since the respondent has not yet refunded the amount, this complaint has been filed seeking refund of booking amount along with interest.

The complainant has placed on record cancellation application dated 14/01/2019, Copy of legal notice send to respondent dated 5.5.2019, Reply of legal notice, KYC for flat no.205. He has given details of payment made as follow :-

Rs.50,000 vide cheque no. 148037 and 1,00,000 vide cheque no.148036 but no receipt has been attached by the complainant.

Perused the records of the case. No reply has been filed by the respondent. However on hearing dated 01.02.2022 the complainant Manoj Kumar submitted that a meagre amount of Rs.1.50 lakh is due with the respondent company which may be refunded with interest and Mr. Alok Kumar, MD of the respondent company was present during the hearing did not challenge the contention of the complainant.

The Bench observes that although the complainant had cancelled the booking in 2019 , this was because of the fact that there was no progress in the project. In any case interest is due from 2019, when the application for cancellation was made which has been acknowledged by the respondent in its reply to the legal notice.

The Bench, therefore, directs the respondent company and its Directors to to refund Rs.1,50,000/- along with interest at the Marginal Cost of Lending Rate (MCLR) of the State Bank of India (SBI) as applicable for two years from the date of deposit to the date of refund, within sixty days of issue of this order.

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

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman