

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member

Case No. CC/1299/2020

Anil Kumar Mishra.....Complainant

Vs

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

PROJECT: - PG Town

ORDER

05-04-2022

07-04-2022

This matter was last heard on 22-02-2022 along with the batch of cases before the Double Bench.

The case of the complainant is that he booked a Flat bearing No. 108 on 1st Floor in the project measuring 1300 sq. ft, the total consideration of which was Rs. 16 lacs. The complainant has paid Rs. 14 lacs out of the total consideration amount on different dates vide cheque no. 950841, 482831, 482838, 482834, 482835 against which money receipts number 3062, 2633, 2892, 2758 and 2819 were issued by the respondent company. The complainant has stated no response was received from the respondent company on the status of the project. Therefore the complainant has prayed for either refund of the entire amount with interest @ 18% per annum or handover any flat in the project.

The complainant has placed on record KYC form, money receipt no. 3062, 2633 dated 04.12.2017, 2892 dated 09.04.2018, 2758 dated 17.01.2018 and 2819 dated 15.02.2018, statement of account of United Bank of India, cheque no. 950841 and 482831.

Reply has been filed the respondent company submitted that the respondent company is ready to offer plot situated at Parmanandpur, Sonapur by way of settlement or to continue with the present booking till completion of the project within the timeline of 36 months. In its reply, the respondent company has also stated that the respondent company was unable to contact the complainant over phone.

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 for which direction to initiate suo motu proceedings against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016 has been issued on the last occasion.

Heard both the parties. During the course of hearing, the complainant has orally submitted that the complainant is not interested in the proposal of the respondent company and reiterated his request for refund with interest.

The Authority notes that it is the responsibility of the Directors of the respondent company to arrange the necessary resources to enable refund to the complainant and other aggrieved allottees. After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs. 14 lacs 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 from the date of taking the booking 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)