

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/715/2019
RERA/AO/177/2019

Ms. Anita Sinha

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - Power Grid Nagar PG2

Present : For complainant : Shri Anil Kumar Sinha
For respondent : None

ORDER

13.12.2022

The matter heard today through video conferencing. The husband of the complainant is present. The respondent is absent.

The complainant had booked a flat bearing no: 203 having area of 1626 Sq. Ft. in the project for total consideration amount Rs.16,00,000/- and had paid the entire amount to the respondent company. A Memorandum of Understanding was signed on 26.03.2018 wherein it was mentioned that the said flat would be completed before July 2021 and with a relaxation period of 6 months. However, as the promoter failed to execute the registered agreement to sale and did not start the construction of flat, the complainant requested for refund the money. The complaint has been filed for refund of the paid amount along with interest.

The complainant has placed on record a copy of Memorandum of Association dated 26.03.2018, copy of cheque bearing no 313507 of Rs.12,00,000, cheque bearing no 389811 of Rs. 1,50,000, cheque bearing no 778436 of Rs. 2,50,000 for which money receipt dated 14.10.2018 of

Rs.16,00,000 issue by the respondent company and copy of KYC.

Perused the record. No reply has been filed by the respondent company. The respondent has not appeared despite issuance of notice. Hence the claim of the complainant is being admitted .

The learned counsel for the complainant reiterated the prayer for refund along with interest.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as they sold the flat without registering the real estate project with RERA. This matter may be included in the Suo Motu proceeding against the respondent company.

After considering the documents filed and submissions made by the learned counsel of the complainant, the Bench hereby directs the respondent company and their Directors to refund the interest of principal amount i.e. Rs.16,00,000 /- 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 till the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)