

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Before the Single Bench of Mrs. Nupur Banerjee

Case No. : - RERA.CC.794/2021

Rekha Kumari

.....Complainant

Vs.

M/s Agrani Homes Pvt Ltd

..... Respondent

Project: Agrani IOB Nagar Phase II, Block L

For Complainant: Mr. Mritunjay Harsh, Advocate

For Respondent: None

ORDER

05.09.2022

This matter was last heard on 27.07.2022

The case of the complainant is that she booked a flat in the project IOB Nagar – Block L of the respondent company on 12.12.2018 bearing Flat No. 806, having an area of 1322 sq. ft. on 8th floor. The total consideration amount of the flat was Rs.17,00,000./-,out of which complainant had paid Rs.15,00,000/-. She further submitted that the respondent has convinced that project will be completed within period of 36 months with relaxations period of 6 months but till date it has not been started, Hence, this complaint has been filed seeking relief to direct the respondent to give possession of flat in another project with same specification and amenities within stipulated period.

On 24-03-2022, complainant had filed a petition seeking immediate refund of the amount paid.

The complainant has placed on record Agreement dated 22-06-2018, executed between complainant and respondent where at page no.8, it is mentioned that complainant had paid Rs.15.05 lakh to respondent at the time of booking. Further, the complainant has also placed money receipts and KYC, duly issued and acknowledged by respondent.

Perused the record. The respondent has not filed any specific reply and even not appeared during the course of hearing despite notices and summon issued, hence, order is being pronounced on the basis of documents available on the record.

On the last date of hearing, learned counsel for the complainant has submitted that the complainant had booked a flat and out of total consideration money of Rs.17 lakh, he paid Rs.15 lakh but till date possession has not been given. He wants refund of the money with interest.

The Bench notes that on the last hearing direction was given to complainant to send a cancellation letter to respondent and file a copy of same but the same was not filed. The Bench observes that the allottee has to send communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, hence, order is being pronounced.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the paid consideration i.e. Rs. 15,05,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus three

percent 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/-

**Nupur Banerjee
(Member)**