

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Hon'ble Chairman**

**RERA/CC/809/2019**

**Syed Anwer .....Complainant**

**Vs.**

**M/s Agrani Homes Pvt. Ltd... Respondent**

**PROJECT : "I.O.B Nagar" Block – "M"**

## **Order**

**10.08.2022**

This matter was last heard on 22.06.2022.

The case of the complainant is that she booked a flat in the project **I.O.B Nagar, Block "M"** for total consideration amount of Rs. 17,52,530/- against which he paid Rs.15,46,350/-. Memorandum of understanding was executed on 22.02.2014. The complainant has filed the present case praying either for possession of flat or for refund of amount paid with interest.

The complainant has placed on record Memorandum of understanding dated 22.02.2014.

On the last date of hearing the complainant submitted that he is not interested in any alternative offer and also submitted that that the respondent has not offered any alternate offer as directed by the Bench and requested for refund with interest.

Perused the records. No reply has been filed by the respondent.

The Bench notes that a penalty of Rs. 5,000/- was imposed on the respondent for not complying with the direction of the Bench which has not been deposited till date.

The Bench observes that the allottee has not sent any 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, and the promoter is not appearing, orders are

being pronounced.

As far as the penalty of Rs. 5,000 imposed upon the respondent company is concerned, the Bench notes that if the said amount is not paid within the period of 30 days as stated above, failing which action may be initiated under order 21 rule 30 of C.P.C read with section 40(1) of the RERA Act.

Having heard the submission of both the parties the Bench hereby directs the respondent company and its Director to refund the principal amount of Rs.15,46,350/- 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 plus four 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/-  
**Naveen Verma**  
**(Chairman)**