

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Hon'ble Member

Case No. CC/920/2021,

Sanjay Kumar.....Complainant

Vs.

M/s Agrani Homes Real Services Pvt. Ltd & ors..... Respondent

PROJECT: - Agrani PG Town

For Complainant: Mr. Kautubh, Advocate

For Respondent: Mr. Satwik Singh, L.R.

ORDER

21-09-2022 This matter was last heard on 23-08-2022.

The case of the complainant is that complainant had booked a Flat, bearing Flat No.501, in Block-C, in Agrani PG Town at Sarari, Danapur in 2016 and had paid Rs.12.54 lakh, out of total consideration amount of Rs.14.63 lakh, in lieu of booking of the flat. He further submitted that respondent has not carried any work at the project site and it doesn't seem that it will be completed. He further submitted that as per the M.O.U. entered between the parties, it was agreed that if the respondent will not handover the flat within stipulated time then complainant will refund the amount along with simple interest. Since, the respondent has not completed the project nor refunded the paid amount, the present complaint has been filed seeking relief for the refund of the deposited amount with interest and compensation.

The complainant has placed on record money receipts and, duly acknowledged and issued by the respondent company. Further, the complainant has also placed on record M.O.U. dated 15-11-2016.

Perused the records. No reply has been filed by the respondent. However their representative has been present on the last date of hearing and have not refuted the claim of complainant.

On the last date of hearing, the complainant reiterated his prayer for refund of the amount paid.

The Legal Representative of the respondent company has submitted during the last hearing that the complainant has not sent the cancellation letter. He further submitted that the respondent is ready to refund the amount.

The Bench observes that the application of registration of Project “PG Town” has been rejected by the Authority by order dated 02.09.2021.

The Bench also 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 representative of respondent was present during the last hearing and had not challenged the claim of complainant, 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 principal amount of Rs.12.54 lakh 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 two years plus four percent from the date of taking the booking within sixty days of issue of this order.

The complainant is at liberty to press the claim before the A.O. as per the provisions of the Act.

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

Sd/-

Nupur Banerjee
(Member)