

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/928/2021

Sarvendra Kumar Singh.....Complainant

Vs.

M/s Agrani Homes Pvt. Ltd & Anr.....Respondents

Project: Idea Project

21-09-2022

ORDER

The matter was last heard on 23-08-2022.

The case of the complainant is that he booked a plot bearing plot nos.8 & 9, admeasuring 1806 & 1800 sq.ft, respectively in the Idea project of respondent company, between 2018 to 2019 and paid a sum of Rs.10 lakh, out of total consideration amount of Rs.32,50,800/-, in lieu of booking of above stated plots. He further submitted that respondent failed to take necessary permission from the concerned authorities to start the development of the project. He further submitted that after making complaint before Patliputra police station, the respondent has issued two cheques of Rs.5lakh each, but, only one got encashed and another was bounced due to insufficient fund and till date respondent has not refunded the remaining amount, hence, the complainant has filed the present case seeking relief for refund of the remaining principal amount paid along with interest and to pay Rs.5 lakh for mental agony /harassment and litigation cost.

The complainant has placed on record copy of money receipts of Rs.10 lakh, duly acknowledged and issued by the respondent company. Further, the complainant has placed on record legal notice dated 12-10-

2020, sent to respondent, requesting for refund of the remaining amount.

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

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

The representative of the respondent company has submitted during last hearing that they have given offer for alternative plot but the complainant is not interested in the same, hence, order may be passed for refund of the amount paid.

In the light of submissions made, perusal of case records, the Bench hereby directs the respondent company and their Directors to refund the remaining principal amount to the complainant along with interest at the rate of marginal cost of fund based lending rate (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.

The complainant is at liberty to press the claim for litigation cost and mental harassment as compensation 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)