

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Hearing Before the Bench of Hon'ble Chairman, Mr. Naveen Verma, &**  
**Member, Mrs. Nupur Banerjee, RERA , Bihar**

**Case No. :- RERA/CC/931/2020**

**Bibha Das/ Santosh Kumar Das.....Complainant**

**Vs**

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

**Project : Agrani Sapphire**

**12/05/2022**

**Order**

The matter was posted for orders on 10-03-2022. However, due to other preoccupation, the Bench did not sit on that date and orders could not be pronounced.

The case of the complainants is that they booked flat no. 203 B admeasuring 1450 sq.ft on 2nd floor in block-“B” of the Project “Agrani Sapphire” for total consideration of Rs. 33,44,000 ( Thirty Three lakh Forty Four Thousand Only) on 06<sup>th</sup> April 2017 against which they paid **Rs. 2,00,000** ( Two Lakh Only). However, due to delay in project the complainant applied for cancellation of booking and sent application on 10<sup>th</sup> July 2019 and reminder on 24<sup>h</sup> August 2019. The complainant was assured by the respondent that refund will be made within 2 months but till date they not received the refund and hence the matter has been filed for refund of the amount paid along with interest on it.

The complainant has placed on record KYC dated 06/04/2017, Application for cancellation of booking amount dated 10<sup>th</sup> July 2019 and 24<sup>h</sup> August 2019, receipt dated 18/06/2019 for Rs.50,000, receipt dated 06.04.2017 for Rs. 1,50,000, only.

During the hearing held on 23.08.2021 the Authority had observed that Mr. Alok Kumar, MD of the respondent company had itself withdrawn from the said project and also expressed his inability to complete the project but that he is ready to hand -over the project to another builder who will complete the said project and either hand over the flat to the complainants or refund the amount. However, the respondent has not filed any reply despite specific directions on 01.02.2022 and hence the facts are being admitted..

The Authority, therefore ,imposes a penalty of Rs 5000/- to be paid by the promoter within two weeks for not complying with its directions.

The Authority notes that the complainants have reiterated their request for refund of principal along with interest.

The Authority observes that it is the responsibility of the promoter to arrange the necessary resources to make refunds to allottees. The Bench hereby directs the respondent company and their Directors to refund the amount paid by the complainant i.e. Rs. 2,00,000/- with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years from the date of taking the booking till the date of refund within sixty days of issue of this order.

The matter is disposed of accordingly.

Sd/-  
Nupur Banerjee  
( Member )

Sd/-  
Naveen Verma  
(Chairman)