

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Bench of Mrs. Nupur Banerjee, Member

Case Nos. RERA/CC/936/2021

Loknath Shaw

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd. & Ors.

...Respondent

Project: - Agrani BOB City

For Complainant: Mr. Asit Kumar Jha, Advocate

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

ORDER

21.09.2022

The matter was last heard on 23.08.2022

The case of the complainant is that he booked Flat, bearing flat no. 603, admeasuring 1630 sq.ft., in the project Agrani BOB city in 2016. The complainant has paid Rs.4,00,001/- out of the total consideration of Rs.11,38,500/-. The complainant has further stated till date the project has not been started by the respondent nor paid money has been refunded by them till date, despite several persuasions made to respondent for refund, hence, he filed present complaint case seeking refund of the paid consideration amount with interest.

The complainant has placed on record money receipt of Rs.4 lakh and KYC bearing no.240.

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 representative of the respondent company has submitted during last hearing that order for refund may be passed.

The Bench observes that the application of registration of Project “BOB City” has been rejected by the Authority by order dated 06.09.2021.

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 by both the parties, the Bench hereby directs the respondent and their Directors to refund the paid consideration of Rs4,00,001/- 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 three percent from the date of taking the booking to 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)