

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/1648/2020

Zulqurnain Mallick.....Complainants

Vs

Agrani Homes Real Marketing Pvt. Ltd.Respondent

Project: S.B.I. Nagar

20.05.2022

ORDER

The matter was last heard on 12.05.2022.

The case of the complainant is that he booked flat bearing no.410, Block “C” in the project “Agrani SBI Nagar” for total consideration of Rs.15,67,500 (inclusive of taxes and other charges) in 2016 for which he had paid Rs.12,50,000/- between 23.09.2016 to 27.01.2017 to the respondent. the complainant has filed this instant case and has prayed for refund of the amount with interest.

The complainant has placed on record a copy of KYC, MOU dated 27.12.2017, money receipt of Rs.11,00,000/- only issued by the respondent, bank account statement, and refund application dated 21/09/2020.

Perused the record. The Bench notes that the respondent has not filed any reply. The Bench also recalls that the complainant is not interested in the offer of alternative flat or plot made by the respondent during the course of hearing.

The Bench observes that the complainant has alleged in the complaint petition that he has paid Rs. 12,50,000 /- but the documents pertain to total payment of Rs. 11,00,000/- and during the course of hearing he submitted that he has paid Rs.15,00,000. The legal representative of the respondent did not refute the claim of the complainant.

The Bench , therefore, treats the amount claimed in the complaint petition as admitted.

The Bench recalls that on the last hearing a cost of Rs.5,000/- was imposed upon the respondent, however, it seems that cost amount has not been deposited by the respondent and same shall be recoverable as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21- Rule - 30 of the Code of Civil Procedure, 1908..

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new booking in 2017. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. This matter may be included in the suo motu proceedings against the respondent under section 59 of the Real Estate (Regulation and Development) Act, 2016.

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 12,50,000 lacs 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 one percent from the date of taking the booking within sixty days of issue of this order.

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

Sd/-

Naveen Verma

(Chairman)