

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Hearing Before the Bench of Hon'ble Chairman, Mr. Naveen Verma,
Hon'ble Member, Mr. R.B. Sinha & Hon'ble Member, Mrs. Nupur Banerjee**

Case No. :- RERA/CC/261/2021

Sidhanshu Raj KaranComplainant

Vs

M/s Agrani Homes Real Marketing Pvt Ltd.....Respondent

Project: Daffodil City

Order

30.09.2021

03/12/2021

This matter was last heard at length along with batch of cases before the full bench on 09.09.2021

The case of the complainant is that he has booked flat no. 207, of area 1000 Sqft. in Block A, of the project Daffodils city for total consideration of Rs. 29,00,000 and has made payment of Rs. 3,01,000 as booking amount. He has submitted details of cheque no. 106 of Bank of Baroda dated 21.09.2019 and has attached bank details and subsequently paid Rs. 50,000 vide cheque no. 000108 of BOB dated 08.07.2020 for which money receipt no. 4333 dated 02.08.2020 was issued. However, project has not started so the complainant prays for refund of the amount paid along with interest on it.

Perused the records. The respondent has not filed any written reply. However, since Mr. Alok Kumar, Managing Director and Mr Rana Ranveer Singh, Director of the respondent company were both present on the last date of hearing and they have not challenged the contention of the complainant and the facts are being admitted.

The Bench notes that the application of registration of Project titled name “Daffodils City” has been rejected by the Authority by its letter dated 27.8.2021.

The Authority also notes that on the last date of hearing Mr. Alok Kumar, Managing Director of the respondent Company had requested for time to refund the due amount.

It is apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2019. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.section 59 of the Real Estate (Regulation and Development) Act, 2016. The evidence of violation is available in the petitions filed by the complainants.

The Authority directs the respondent company and their Director to refund the principal amount of Rs.3,51,000/-along with interest calculated on the date of booking at the marginal cost of fund based lending rate (MCLR) of State Bank of India applicable for one year to the complainant from date of deposit to the date of refund within 60 days from the date of order.

The bench notes that an order with a defect in the instant case was inadvertently uploaded on the website of authority on 2-11-2021 and the same was duly removed upon knowledge.

Sd/-
R.B. Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)