

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/564/2021

Randhir Kumar and Mrs Rekha KumariComplainants

Vs

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

Project: Daffodil City

30.09.2021

03.12.2021

Order

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

The case of the complainant is that they had booked flat no. 103, of area 1050 Sqft. in Block A, of project Daffodils city for consideration of Rs.33,45,000/-against which he has paid Rs. 1,02,000/- . The complainants have attached the receipt of payment of Rs. 1,00,000 vide cheque no. BOB 361077 dated 17.12.2019. They have submitted copy of money receipt for Rs. 20,000 dated 12.12.2019. However, due to delay in project they pray for refund of the amount along with interest on it.

Perused the records. The respondent has not filed any written reply. However, since Mr. Alok Kumar, Managing Director and 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 complainants 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.

The Authority observed that notwithstanding the fact that the project was not registered and the respondent company made 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. 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 deposited by the complainants 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 complainants from the 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)

