

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/924/2020

Harshdeep Anand.....Complainant

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 he has booked flat no. 103, of area 1450 Sq.ft. in Block "B", in the project Daffodils city for total consideration of Rs. 43,60,000 (Forty three lakh sixty thousand) out of which he has paid Rs.2,21,000 (Two Lakh Twenty One Thousand) through bank transfer on 14-03-2019for which money receipt no. 3776 dated 14.03.2019 was issued. The complainant has also filed a copy of the written assurance given by the company in March 2019 that they would refund the money if they are not able to start the project within 7 months. However, they are not refunding the amount and hence he has filed the complaint case.

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 "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 with an assurance that they would return the amount if they are not able to start the work within seven months. The complainant has alleged that the respondent company assured them full refund if they were not able to get the project registered full refund . This is a wilful and 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 documents filed by the complainants.

The Authority directs the respondent company and their Director to refund the principal amount of Rs.2,21,000/- paid by the complainant 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)