

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman

& Mrs. Nupur Banerjee, Member

Case No. CC/1127/2020

Indrasen Kumar Jha.....Complainant

Vs

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

Project: IOB Nagar

ORDER

20.09.2022

21.09.2022

The matter was last heard on 30.06.2022 before the Single Bench of the Authority.

The case of the complainant is that he had booked a shop bearing no. 101 in the project of the respondent namely Agrani I.O.B -2 in July 2012 and paid the consideration amount Rs. 4,31,000/- to respondent. The respondent had assured to complete the project within two years. However, even after a lapse of several years, the respondent failed to complete the project and hand over the possession of the shop. The complainant approached the respondent seeking for a refund of the amount paid along with interest and subsequently cancelled the booking vide letter dated 08.05.2019. while acknowledging this the respondent assured to refund the amount within 90 days

and upon the failure to do so , the complainant sent them a legal notice on 07.12.2019 for refund of the amount.

The complainant has filed this case prayed to direct the respondent to refund the amount paid to the complainant along with interest and also claimed the compensation Rs.3,00,000/- for physical and mental harassment to the complainant caused by the respondent.

The complainant has placed on record the copy of the receipts for Rs.3,94,341 acknowledged by the respondent company and the rest amount has been claimed to be paid in cash. He has also filed copy of cancellation letter dated 08.05.2019 sent to the respondent for a refund of money and copy of legal notice dated 07.12.2019.

No reply has been filed by the respondent and submission has been made orally for an alternative plot. The claim of the complainant is admitted.

On the last date of the hearing, and the complainant submitted that he is not interested in the alternative offer of the respondent and reiterated his prayer for refund of the amount paid along with interest.

Having heard the submission of both the parties the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 4,31,000/- to the complainant along with interest at the rate of the marginal cost of fund based lending rates (MCLR) of State Bank of India as

applicable for three years plus six percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press his claim for compensation before the Adjudicating Officer.

With these directions, the matter is disposed of.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)