

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1241/2020

Archana Devi

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - IOB Nagar, Block – “M”

ORDER

28.06.2022

The matter was last heard on 23.05.2022

The case of the complainant is that she booked a flat in the project IOB Nagar, Block – “M” for which she paid Rs.12,50,000/- to the respondent. As construction was not undertaken the complainant cancelled the booking in 2019. The allottee has filed the instant case for refund of paid consideration amount along with interest.

The complainant has placed on record booking cancellation application dated 16.04.2019, copy of money receipt against the payment of Rs.12,50,000/- issued by the respondent.

On the last date of hearing the representative of the respondent had submitted that offer was given to the complainant via e-mail. The complainant reiterated her prayer. She submitted that the respondent has refunded Rs.2.50 Lakh only till date and that she is not interested in any alternative offer proposed by the respondent.

The Bench notes that despite directions to file reply within 1 week with copy to the complainants stating therein the refund amount with date has not been complied. The Bench concludes that the amount indicated in the complaint petition is admitted.

Perused the record. The complainant had submitted an application that she has been refunded Rs 2.50 lakhs against the total amount of Rs 12.50 lakh paid by her.

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 booking. This is a 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.

After considering the documents filed and submissions made by complainant, the Bench hereby directs the respondent company and their Directors to refund the outstanding principal amount of Rs. 10,00,000/- 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 two years from the date of taking the booking to the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)