

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

**Case No. RERA/CC/1319/2020**

**Ashutosh Kumar Soni.....Complainant**

**Vs.**

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

**Project: - Agrani Prakriti Vihar**

**ORDER**

**22.08.2022**

The matter was last heard on 29.06.2022.

The case of the complainant is that he booked a plot bearing no: 643 in the project Agrani Prakriti Vihar on 20.01.2018 and paid Rs. 3,01,000/- to the respondent. The respondent has failed to handed over possession of the plot till date nor refunded the booking amount. Therefore, this complaint petition has been filed for refund of the paid amount to the respondent along with 18% interest.

The complainant has placed on record a copy of the money receipt dated 30.01.2018 for Rs.61,000/-, 14.02.2018 for Rs.40,000/-, 20.04.2018 for Rs.45,000/-, 29.07.2018 for Rs.25,000/-, 30.09.2018 for Rs.30,000/-, 14.12.2018 for Rs.40,000/-, 23.03.2019 for Rs.60,000/- duly issued by the respondent company against payment and a copy of KYC.

Perused the records. No reply has been filed by the respondent. The representative for the respondent was present on the last date of the hearing and has not challenged the contention of the complainant but instead submitted that the latter is not interested in any alternate offer.

Despite the last direction of the Bench the complainant has not filed a copy cancellation letter sent by him to the respondent.

The Authority ought to be approached only after the promoter fails to respond to such communication. As the matter has been heard in the Authority, orders are being passed in the instant matter.

The Authority observes that the promoter has violated section 3 of the Real Estate ( Regulation and Development) Act, 2016 as the project was not registered and yet they made the booking and hence suo motu action u/s 59 of the Act may be initiated against them.

Having heard the submissions, the Bench hereby directs the respondent company and its directors to refund the principal

amount of Rs.3,01,000/- (Rupees Two Lakh Forty Thousand only) to the complainant along with interest at the rate of marginal cost of fund based lending rate (MCLR) of State Bank of India as applicable for three years plus one percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

With these directions, the matter is disposed of.

**Sd/-  
Naveen Verma  
(Chairman)**