

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/1350/2020

Shailendra Kumar Sinha.....Complainant

Vs.

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

Project: - Agrani IOC Nagar

ORDER

10.08.2022

The matter was last heard on 22.06.2022.

The case of the complainant is that he had booked a flat on 17.04.2017 in the project for the total consideration amount of Rs.14,000,00/- against which he paid Rs. 12,965,31/- . The complainant has alleged that the respondent had assured that the project will be completed in 36 months but since no construction work has been started, the complaint has been filed for refund of paid consideration with 18% compound interest and compensation.

The complainant has placed on record a copy of the money receipt for the amount paid duly acknowledged by the respondent company, and a copy of the memorandum of understanding signed between the parties and KYC.

Perused the records. No reply has been filed by the respondent.

On the last date of the hearing the complainant requested for refund of the amount paid along with 18% compound interest.

The Bench notes that penalty of Rs. 5,000/- Rupees Five Thousand Only) has been imposed on the respondent for non-compliance with the order of the Bench to file a reply and non-appearance before the court. The respondent is directed to pay the penalty with the Authority within a fortnight.

The Bench notes that the complainant has sent the letter for cancellation of his booking to the respondent and then approached the Authority only after the promoter had failed to respond to such request.

After considering the documents filed and submissions made by both the parties, the Bench hereby directs the respondent company and its Directors to refund the paid consideration of Rs. 12,965,31/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the 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.

So far as the claim for compensation is concerned the complainant is at liberty to press his claim before the court of Adjudicating Officer.

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

Sd/-
Naveen Verma
(Chairman)