

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. CC/1474/2020

Amrendra KumarComplainant

Vs

Agrani Homes Pvt. Ltd.Respondent

Project: Agrani I.O.B. Nagar, Block- Q

ORDER

13.06.2022

21.06.2022

This matter was last heard on 11.05.2022.

The case of the complainant is that he booked flat in the project "I.O.B Nagar"– Block "Q" in 2018 and paid a sum of Rs.15,00,000/-. Memorandum of understanding was executed on 4.12.2018 between both the parties. Since construction was not undertaken the complainant has filed the present case seeking relief for refund with interest.

The complainant has placed on record a copy of, Memorandum of understanding.

On the last date of the hearing, the complainant reiterated his prayer and further submitted that he is not interested in the alternative offer of a flat or plot in another project of the respondent.

Perused the record. The respondent has not filed any reply. The claim is being admitted as the representative of the respondent had agreed during hearing that this case may be posted for order.

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development)

Act, 2016. This matter may be included in the suo motu proceedings against the respondent under section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Bench notes that the complainant ought to have sent the letter for cancellation of his booking to the promoter and approached the Authority only after the promoter had failed to respond to such request. However, since the matter has been taken up for hearing, orders are being passed.

Having heard the submission of both the parties the Bench hereby directs the respondent company and their Director to refund the principal amount of Rs.15,00,000/- 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 three years from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)