

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

**Case Nos. RERA/CC/1497/2020**

**Dinesh Kumar**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: - Agrani IOC Nagar**

**ORDER**

**13.06.2022**

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**21.06.2022**

The matter was last heard on 11.05.2022

The case of the complainant is that he booked a flat in the project "IOC Nagar" on 28.11.2017 for which he paid Rs.15,68,000/- to the respondent. Memorandum of understanding was executed in 2018. Since construction was not undertaken the complainants has filed the instant case for refund of paid consideration amount along with interest and litigation cost.

The complainant has placed on record a copy of KYC dated 28.11.2017, M.O.U, copy of money receipt against the payment of Rs.15,68,000/- issued by the respondent.

On the last date of hearing the complainant reiterated his claim for refund of Rs.15,68,000/- stating that he was not interested in any alternative offer by the respondent.

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

The Legal Representative for the respondent had agreed that the matter may be posted for order.

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 Moto proceedings may be initiated against the respondent company 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.

After considering the documents filed and submissions made by complainant, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.15,68,000/- 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 to the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

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