

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Naveen Verma, Hon'ble Chairman

RERA/CC/1550/2020

Arvind KumarComplainant

Vs.

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

PROJECT : “ Agrani I.O.B Nagar”

Order

16.08.2022

This matter was last heard on 28.06.2022.

The case of the complainant is that he booked a flat in the project Agrani I.O.B Nagar for consideration amount of Rs. 16,50,000/- in December 2015, against which he paid Rs.14,50,000/-. The memorandum of understanding was executed between the parties on 12.08.2016, but since the respondent has not handover possession of the flat till date, the complainant has filed the present case praying either for a refund of the amount paid with 18 % interest or handover of the ready to move flat.

The complainant has placed on record K.Y.C dated 11.12.2015, a Memorandum of understanding, and copy of money receipts issued by the respondent company.

Perused the records. No reply has been filed by the respondent despite the direction of the Bench to file the reply within a week with the copy to the complainant and give the alternate offer in writing to the complainant during the course of the hearing. Hence the claim of the complainant is being admitted.

On the last date of the hearing, the complainant requested the ready to move flat but was not willing to wait as the representative of the respondent had submitted their offer to provide an alternative flat in 30 months. Instead, the complainant requested for refund of the amount with interest.

The Bench observes that the allottee has not sent any communication to the promoter regarding the cancellation of the booking. The Authority ought to be approached only after the promoter fails to respond to such communication.

Having heard the submission of both the parties the Bench hereby directs the respondent company and its Director to refund the principal amount of Rs.14,50,000/- 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 plus three 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)