

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/1672/2020

Nilam Kumari.....Complainant

Vs.

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

PROJECT : "I.O.B Nagar"

Order

1.06.2022

This matter was last heard on 12.05.2022.

The case of the complainant is that she booked a flat in the project **I.O.B Nagar** for total consideration amount of Rs. 17,52,530/- in March 2014. Against which she paid Rs.15,46,349/-. The respondent assured to hand over the flat within 3 years, but they failed to do so. Hence, the complainant has filed the present case praying for refund of amount paid with interest .

The complainant has placed on record K.Y.C dated 15/03/2014, Memorandum of understanding, and money receipts issued by the respondent company against payment of Rs. 15,46,349/-

During the hearing held on 12.05.2022, the complainant submitted that she has paid Rs.15,46,349/- to the respondent in 2016 and further reiterated her request for refund.

The Bench notes that the respondent requested for time to file written submission and yet they have not filed any reply. Neither have they given any evidence of any offer of alternative plot/flat having been given to the complainant.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of

booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

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. 15,46,349/- 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 four 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)**