

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

Case No. RERA/CC/188/2021

Shashi Shankar.....Complainant

Vs.

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

Project: - IOC Nagar

ORDER

16/09/2022 The matter was last heard on 22.08.2022.

The case of the complainant is that he booked a flat in the project – IOC Nagar in 2017. The complainant has paid Rs. 13,00,000/- to the respondent. As the respondent failed to start the construction of the project, the complainant has filed the matter for refund of paid consideration with interest.

The complainant has placed on record copy of M.O.U. dated 12-12-2017, KYC dated 05/11/2017, money receipts, cheques and account statement.

Perused the record. The complainant has filed reply stating that the respondent has offered to handover the possession of the flat to the complainant within 36months or a piece of land of equivalent value.

On the last date of hearing, the complainant reiterated the request for refund. The representative of the respondent has not challenged the submission of the complainant and hence his claim is admitted.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent executed M.O.U. for sale on 12/12/2017 without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company.

The Authority 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.

The Authority recalls that it had also imposed a token penalty of Rs. 1,000/-. It directs the respondent to deposit this amount with the Authority immediately, and not later than two weeks, failing which action for recovering the same as arrear of land revenue as provided in Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 25 of the Bihar RERA Rules, 2017 shall be taken.

Having heard the submission of both the parties the Authority hereby directs the respondent company and its Director to refund the principal amount of Rs. 13,00,000/- 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 plus 1% percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)