

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

**Case Nos. RERA/CC/1904/2020**

**Vikash 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 18.05.2022

The case of the complainant is that he booked a flat in the project IOC Nagar for which he paid Rs.16,80,000/- to the respondent. Memorandum of understanding was executed on 19.02.2018. As construction had not been undertaken, the complainant cancelled the booking on 28.12.2020 but since the amount was not returned, he 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, M.O.U, Booking cancellation application dated 28.12.2020, copy of money receipt against the payment of Rs.16,80,000/- issued by the respondent.

During the course of hearing the learned counsel for the complainant reiterated his claim for refund of Rs.16,80,000/-.

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

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 neither any appearance has been made by the respondent company nor any reply has been filed by the respondent company even after issuance of specific directions and notices to them on various occasions.

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.16,80,000/- 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)**