

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

Case Nos. RERA/CC/1905/2020

Munmun Mittal

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - IOB Nagar, Block – “L”

ORDER

13.06.2022

21.06.2022

The matter was last heard on 18.05.2022

The case of the complainant is that she booked a flat in the project IOB Nagar, Block – “L” for which she paid Rs.11,50,000/- to the respondent. Memorandum of understanding was executed on 03.07.2018. As construction was not undertaken the complainant cancelled the booking in 2020. The allottee 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, M.O.U, booking cancellation application dated 28.12.2020, copy of money receipt against the payment of Rs.11,50,000/- issued by the respondent.

During the course of hearing the learned counsel for the complainant reiterated his claim for refund of Rs.11,50,000/-.

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.

The complainant has appeared regularly and has reiterated her prayer for refund of principal with interest.

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. 11,50,000/- 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 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)