

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

Case No: RERA/CC/218/2021

Vijay Kumar Sah and Rani Kumar **...Complainant**

Vs.

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

Project: Agrani SBI Nagar

12.08.2022

25.08.2022

ORDER

This matter was last heard on 28.06.2022

In this matter the allottee had booked a flat bearing no 208 in the project SBI Nagar, for a total consideration of Rs. 14,00,000/- on 12.10.2017 and had paid Rs. 10,00,000/-. A Memorandum of Association was executed wherein it was mentioned that the said flat would be completed as per RERA approval. However, as the promoter failed to get approval from RERA and even start the construction of proposed project the complaint has been filed for refund of the paid amount along with 18% interest and compensation.

The allottee has placed on record copy of memorandum of association dated 05.07.2019 and money receipt dated 03.07.2019 for Rs.1,20,000, money receipt dated 01.12.2017 for Rs.5,00,000, money receipt dated 01.12.2017 for Rs.5,00,000, money receipt dated 12.10.2017 for Rs.1,00,000 and copy of KYC.

Perused the records. No reply has been filed by the respondent. The representative for the respondent was present on the last date of hearing and has not challenged the contention of the complainant but instead submitted that the complainant is not interest in any alternate offer.

On last date of hearing the learned counsel for the complainant has reiterated his prayer and submitted the complainant is not interested in any offer of the respondent.

The Authority notes that the promoter has apparently violated section 3 of the RERA Act, 2016 and directs that a suo motu proceeding under Section 59 of the Act be initiated against them.

Having heard the submissions, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.10,00,000 (Rupees Fourteen Lakh only) to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State bank of India as applicable for three years plus one percent from the date of taking booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press their claim of compensation before the Adjudicating Officer.

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

Sd/-
Naveen Verma
(Chairman)