

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Chairman**

**Case No. RERA/CC/279/2021**

**Madhu Kumari .....Complainant**

**Vs.**

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

**Project: - Agrani SBI Nagar**

**ORDER**

**10.08.2022**

The matter was last heard on 22.06.2022.

The case of the complainant is that she had booked a flat no. 204, Block-E in the project for the total consideration amount of Rs. 13,58,500/- in 2016. The complainant has alleged that the respondent had promised that the project will be completed in 36 months but since then no construction work has been started. The respondent failed to hand over the possession of the flat till date. Hence, the complainant has filed this case seeking relief for a refund of paid consideration with 20% interest and Rs. 5,00,000/- as compensation and Rs. 55,000/- for legal expenses.

In support of her claims, the complainant has placed on record a copy of the money receipt , a copy of the memorandum of understanding signed between the parties, KYC and a statement of bank account.

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

On the last date of the hearing the learned counsel of the complainant submitted that complainant has paid Rs. 9,19,000/- by cheque and the remaining amount out of the total consideration amount of Rs. 13,58,500/- by cash . He requested for refund of the amount paid along with interest and also

submitted that the complainant is not interested in any proposed offer of the respondent.

The respondent has not refuted the claim although ample opportunity was provided to them.

The Bench recalls that penalty of Rs. 2,000/- (Rupees Two Thousand Only) has been imposed on the respondent for non-appearance before the court. The respondent is directed to pay the penalty with the Authority within a fortnight.

The Bench notes that the complainant has sent the letter for cancellation of his booking to the respondent and then approached the Authority only after the promoter had failed to respond to such request.

After considering the documents filed and submissions made by both the parties, the Bench hereby directs the respondent company and its Directors to refund the paid consideration to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

So far as the claim for compensation is concerned the complainant is at liberty to press her claim before the court of Adjudicating Officer.

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

Sd/-  
**Naveen Verma**  
**(Chairman)**