

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

**Case No. RERA/CC/280/2021**

**Nagendra Prasad Chaurasia.....Complainant**  
**Vs.**  
**M/s Agrani Homes Real Marketing Pvt. Ltd.....Respondent**

**Project: - Agrani S.B.I Nagar**

**ORDER**

**10.08.2022**

The matter was last heard on 22.06.2022.

The case of the complainant is that he had booked a flat bearing no.201 on the second floor, Block G in the project. The complainant has stated that he paid consideration of Rs. 13,50,000/- to the respondent in May 2018 since then the respondent has not started any construction work on the project. Therefore, a case has been filed seeking relief for a refund of the principal amount @ 20% compound interest and compensation for mental harassment.

The complainant has placed on record a copy of the money receipt for the amount paid duly acknowledged by the respondent company and KYC.

Perused the records. No reply has been filed by the respondent. However, their representative has been present and have not refuted the claim.

On the last date of hearing the learned counsel of the complainant Mr. Ishtiyaque Hussain, submitted that complainant is not interested in the project anymore and requested for refund of the amount paid along with interest.

During the course of the hearing, the Bench imposed the penalty of Rs. 5,000/- (Rupees Five Thousand Only) for non-compliance with its order. The respondent is directed to pay the penalty with the Authority within a fortnight.

The Bench observes that the allottee has not sent any communication to the promoter regarding the cancellation of

his booking with the respondent. The Authority ought to be approached only after the promoter had failed to respond to such communication. However, since the matter has already been heard orders are being pronounced.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company.

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 of Rs. 13,50,000/- (Rupees Thirteen Lakhs Fifty Thousand) 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 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 his claim before the court of Adjudicating Officer.

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

**Sd/-**

**Naveen Verma  
(Chairman)**