

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

Case Nos. RERA/CC/390/2021

Kishnu Kumar Dwivedi

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - Agrani SBI Nagar

ORDER

14.09.2022 The matter was last heard on 25.08.2022.

The case of the complainant is that he booked a flat in the project SBI Nagar on 31/01/2018. The complainant has stated that he has paid Rs. 14,56,113/- but as the respondent failed to construct the project , he has filed the matter for refund with interest.

The complainant has placed on record copy of KYC, money receipts with supporting cheques, M.O.U. dated 11/07/2019 and application form dated 31/01/2018.

The respondent has filed a reply stating therein that an alternate offer was made to the complainant but he is not interested in alternate offer and requested for refund.

On the last date of hearing the complainant requested for refund with interest and submitted that he has paid Rs. 16,00,000/- to the respondent. Although the representative of the respondent has not challenged the submissions of the complainant, on perusal of the record it is observed that the amount claimed in the petition is Rs. 14,56,113/- with interest.

The Authority observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as they sold the flat 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 by the complainant, the Bench hereby directs the respondent and its directors to refund the remaining paid consideration of Rs. 14,56,113/- to the complainant along with interest on the total paid consideration at the rate of marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years plus one percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

The Authority notes that on hearing dated 23/06/2022 a penalty of Rs. 5,000/- was imposed on the respondent for not complying the direction. The Authority further directs the respondent to pay the penalty within fortnight failing which the same shall be recoverable as per section 40(2) of the Real Estate (Regulation and Development) Act, 2016, read with Order 21 Rule 30 of the Code of Civil Procedure, 1908.

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

Sd/-
Naveen Verma
(Chairman)