

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No. CC/400/2021**

**Anisha Pandey..... Complainants**

**Vs**

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

**Project: Agrani Prakriti Vihar**

**23/06/2022**

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**24/06/2022**

**Order**

This matter was last heard on 20-05-2022.

The case of the complainant is that she booked a plot in the project, Agrani Prakriti Vihar and paid a sum of Rs.50,000 in different installments in 2018. The complainant has alleged that the respondent has neither executed the agreement to sale nor handed over the possession and hence has filed the present case seeking refund of the principal amount paid along with interest and compensation or possession of plot and registration in favor of complainant.

The complainant has placed on record copy K.Y.C and of money receipts issued by the respondent company against payment of Rs.50,000.

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

On the last date of hearing the complainant submitted she as paid Rs.50,000 and requested for refund with interest.

The Bench notes that despite issuance of notice, respondent failed to appear on the last date.

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 the complainant ought to have sent the letter for cancellation of his booking to the promoter and approached the Authority only after the promoter had failed to respond to such request. However, since the matter is taken up for hearing, orders are being passed.

After considering the documents filed and submissions made by the complainant, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.50,000/- 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 from the date of taking the booking till 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 other claim, 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)**