

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/402/2021

Digvijay Kumar OjhaComplainants

Vs

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

Project: Agrani Prakriti Vihar

23/06/2022

24/06/2022

Order

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

The case of the complainant is that he booked a plot in the project, Agrani Prakriti Vihar and paid a sum of Rs.4,40,000. The complainant has alleged that the respondent has neither handed over the possession nor refunded the money and hence he has filed the present case seeking refund of the principal amount paid along with interest and compensation

The complainant has placed on record copy K.Y.C and money receipts dated 22.10.2018 and 12.02.2019 issued by the respondent company against payment of Rs.60,000.

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

On the last date of hearing the complainant submitted that

amount Rs. 4,40,000/- is mentioned instead of Rs.70,000 due to typographical error. Further he requested for refund.

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.

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

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.70,000/- 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)