

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member

Case No. CC/417/2019

Sri. Abhishek Kumar

...Complainant

Vs.

M/s Agrani Homes Pvt Ltd

... Respondent

Project: IOB Nagar, Sarai (L Block)

ORDER

28.01.2022

This matter was last heard along with batch of cases by the Double Bench on 11.01.2022

The complainant had booked a flat on 30.09.2016, in respondent's proposed project i.e IOB Nagar – Block L and deposited Rs.2,14,747 (Two Lakh Fourteen Thousand Seven Hundred and Forty Seven Rupees). The complainant submitted that since there was no development in the project, he sent an application for cancellation of his booking to the respondent on 05.10.2018 and requested for refund of booking along with interest which was duly acknowledged by the respondent company on 03.11.2018. However, no refund has been initiated and hence, the matter has been filed for refund of booking amount along with interest.

The Complainant has placed on record copy of cheques Rs. 1,64,747 vide cheque no. 078113 of State Bank of India for which money receipt no.5161 dated 30.09.2019 was issued.

The respondent has not filed any written submission. However, the Director of the respondent company along with his learned counsel was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that in compliance of its direction given on the last date of hearing, the MD of the respondent company has filed a petition dated 12.01.2022 regarding raising resources to make payment/ adjustment to various allottees. On perusal of the petition, under heading “Prakriti Vihar”, Mr. Alok Kumar has stated that during hearing of K and L Block it was found that while a number of allottees want payment in cash, many allottees are seeking adjustment against a plot of land of Prakriti Vihar.

The Bench notes that the application of the respondent for Registration of his real estate project “IOB Nagar” was rejected through letter dated 06.09.2021. If the respondent do not want to continue with this project, Mr. Alok Kumar, MD of the respondent company may move for cancellation of agreement with land owner and submit joint affidavit as uploaded on the website of the Authority and demand draft of the ‘non’ amount so that some amount could be returned to the allottees of this project.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs.2,14,747/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years or more from the date of taking the booking to the date of refund within sixty day so issue of this order.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)