

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No. RERA/CC/460/2021**

**Indu Kumari Sinha .....Complainant**

**Vs**

**Agrani Homes Real Marketing Pvt. Ltd.....Respondent**

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

**29.06.2022**

**ORDER**

The matter was last heard on 25.05.2022.

The case of the complainant is that she booked a flat in the project “Agrani Sampatchak” for total consideration of Rs.10,30,900/- against which she paid Rs.8,50,100/- in various instalment between 2013 to 2015 to the respondent. Memorandum of understanding was executed in 2015. In 2018 the respondent transferred the booking in SBI Nagar. Subsequently she paid another Rs.50,000, making at total payment of Rs.9,50,100. The complainant has alleged that the construction work has not started till date, and hence she filed this case for refund of the principal amount along with 12 % interest.

The complainant has placed on record a copy of payment receipts against payment of Rs.9,50,100/- and KYC, M.O.U., and transfer letter of booking.

On the last date of hearing the complainant submitted that she is not interested in the offer of an alternative flat or plot made by the respondent during the course of the hearing and reiterated her request for the refund of the amount paid.

Perused the record. No reply has been filed by the respondent. However, the representative of the promoter had

submitted during hearing that the complaint case may be posted for order, and hence the facts are being admitted.

The Bench 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, orders are being pronounced.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.9,50,100/- to the complainant along with interest at the rate of the marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus five percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

**Sd/-  
Naveen Verma  
(Chairman)**