

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

Case Nos. RERA/CC/475/2021

Ruby Kumari

...Complainant

Vs.

M/s Agrani Homes Marketing Pvt. Ltd.

...Respondent

Project: - Agrani IOC Nagar

ORDER

16.09.2022

The matter was last heard on 26.08.2022

The case of the complainant is that she booked flat no. 206 in the project IOC Nagar in block C on 13-12-2017. The complainant has paid Rs. 10,50,000/- through different mode. The complainant has stated that as the respondent has failed to start the construction of the project she has filed the complaint case for refund of the paid consideration with interest and compensation.

The complainant has placed on record copy of M.O.U. signed on 13-12-2017, KYC dated 13/12/2017 and money receipts for Rs. 10,50,000/-.

Perused the record. The respondent has filed reply requesting to serve the copy of complaint petition.

On the last date of hearing the husband of the complainant reiterated the complainant petition and submitted that the complainant is not interested in any alternate offer of the respondent.

The Authority observes that despite direction to the respondent to file reply, they have failed to file their reply, and hence the claim of the complainant is admitted.

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.

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

After considering the documents filed by the complainant, the Bench hereby directs the respondent and its Directors to refund the paid consideration of Rs. 10,50,000/- 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 plus one percent from the date of taking the booking to 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 her claim regarding compensation from the respondent company.

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

Sd/-
Naveen Verma
(Chairman)