

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/504/2021

Kumar Chandan Sinha.....Complainants

Vs

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

Project: Agrani SBI Nagar

30/06/2022

Order

This matter was last heard on 25-05-2022

The case of the complainant is that he booked a flat in the project Agrani SBI Nagar and paid Rs.2,00,000 as booking amount in 2017 and subsequently paid another Rs. 10,00,000 making a total sum of Rs.12,00,000. Memorandum of understanding was executed in 2018. The allottee has filed the present case seeking refund of the principal amount paid along with interest.

The complainant has placed on record copy of K.Y.C, M.O.U dated 29.03.2018 and money receipts issued by the respondent company against payment of Rs.10,00,000.

Perused the records. No reply has been filed by the respondent. However, their representative has been present and has not refuted the claim. During hearing, the promoter proposed an alternate offer.

On the last date of hearing the complainant submitted that he was not interested in any offer proposed by the respondent and requested for the refund with interest.

The Bench 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.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company. It is observed that the respondent company has not applied for RERA registration as yet, and hence, the offence is of continuing nature.

Having heard the submissions of both the parties the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.10,00,000/- 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.

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

Sd/-
Naveen Verma
(Chairman)