

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

**Case Nos. RERA/CC/532/2019**

**Mukesh Kumar**

**...Complainant**

**Vs.**

**M/s Agrani Homes Pvt. Ltd.**

**...Respondent**

**Project: - IOB Nagar, "Main Phase"**

**ORDER**

**30.06.2022**

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**01.07.2022**

The matter was last heard on 10.06.2022.

The case of the complainant is that he booked a flat in the project IOB Main Phase in 2012 for which he paid Rs.16,06,563/- to the respondent. Agreement for sale was executed on 22.01.2013 according to which the flat was to be handed over by December 2014. As construction was not undertaken the complainant cancelled the booking in 2019. The complainant has filed the present case seeking relief for refund of paid amount along with interest.

The complainant has placed on record copy of refund application dated 30.04.2019 money receipt against the payment of Rs.10,33,854/- only issued by the respondent and K.Y.C.

On the last date of hearing the complainant reiterated his prayer. He further submitted that he is not interested in any offer proposed by the respondent and requested for refund of the amount paid along with interest.

The representative for respondent submitted that the respondent will refund the paid consideration after selling the flat booked by the complainant.

Perused the record. The respondent has not filed any reply despite specific orders. The Bench concludes that the amount indicated in the complaint petition is admitted.

The Bench notes that it is the duty of respondent to arrange the resources for refund of the consideration amount to the complainant.

The Bench observes that the complainant has cancelled his booking after waiting for a considerable period. Since the promoter has violated the terms of the agreement, he is entitled for full refund of his deposit.

After considering the documents filed and submissions made by complainant, the Bench hereby directs the respondent company and its Directors to refund the outstanding principal amount of Rs. 16,06,563/- 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 plus five percent from the date of taking the booking to 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)**