

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

Case No. :- RERA.CC.692/2019

Mr. Aman 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 the batch cases by the Double Bench on 11.01.2022.

The complainant had booked a flat in the project IOB Nagar – Block L of the respondent company bearing Flat No. 702, having an area of 1322 sq. ft. The total amount of consideration to be paid was Rs. 17,00,000./- (Seventeen Lakh Only). A MOU dated 14.08.2018 was entered into between the complainant and the respondent company and as per the MOU the complainant paid Rs.15,25,000/- .Since no development/ construction of project took place, complainant prayed for refund of booking amount along with interest on it.

The complainant has given the details of payment as follows: Rs. 5,000 in cash for which no money receipt was submitted by the complainant, Rs.5,00,000 vide cheque no 662433 of SBI dated 21.11.2017 for which money receipt no. 6223 dated 19.12.2017 was issued, Rs.2,00,000 vide cheque no

662437 of SBI dated 04.01.2018 for which money receipt no. 5780 dated 10.01.2018 was issued, Rs.1,00,000 vide cheque no 662438 of SBI dated 26.02.2018 for which money receipt no. 6367 dated 26.02.2018 was issued, Rs.40,000 vide account transfer dated 24.04.2018 and Rs. 40,000 vide account transfer dated 25.04.2018 for which money receipt no. 028 dated 26.04.2018 was issued, Rs. 20,000 vide account transfer through SBI UTR no 814912471561 and Rs. 20,000 vide account transfer through SBI UTR no 814912472975 for which money receipt no. 067 dated 31.05.2018 was issued, Rs.4,50,000 vide cheque no 26141 of SBI dated 25.04.2019 for which money receipt no. 648 dated 27.04.2019 was issued, Rs.1,50,000 vide cheque no 261473 of SBI dated 29.05.2019 for which money receipt no. 765 dated 30.05.2019 was issued.

The complainant submitted during hearing that the principal amount was returned by the respondent in October 2020, but that his claim for interest and compensation remains which he had made a request to transfer his complaint case before the Adjudicating officer through letter dated 08.12.2020.

Perused the records. 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 Authority directs the respondent company and their Directors to refund the interest accrued on the principal amount calculated at the rate of marginal cost of fund based lending

rates (MCLR) of State Bank of India as applicable for two years from the date of taking the booking to the date of refund within sixty days of issue of this order.

The Authority observes that it cannot transfer the case regarding compensation to the Adjudicating Officer. However, the complainant is at liberty to file a fresh complaint before the Adjudicating Officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)