

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

**Case No. CC/694/2019**

**Atul Kumar Jha**

**...Complainant**

**Vs.**

**M/s Agrani Homes Pvt Ltd**

**... Respondent**

**Project: Agrani Shivdhayan**

**ORDER**

**28.01.2022**

This matter was last heard along with batch of cases before the double bench on 11.01.2022.

The case of the complainant is that he booked flat No. 301, having an area of 1326 sq. ft on 04.02.2018, in the proposed project “Agrani Shivdhyan” of the respondent company and deposited Rs.7,00,000/- (Seven Lakhs) as an advance through cheque. The complainant submitted that since there was no development in the project, he sent an application for cancellation of his booking to the respondent on 25.09.2019 and requested for refund of booking along with interest which was duly acknowledged by the respondent company on 26.09.2019. Since he did not get back his investment, the matter has been filed for refund of booking amount along with interest.

The complainant has submitted evidence of having paid Rs.5,00,000/- (Five Lakhs) vide cheque no. 894902 of SBI dated 07.02.2018 for which money receipt No.6299 dated 08.02.2018 was issued, Rs.1,00,000/- (One Lakh) vide cheque no. 894904 of SBI dated 26.02.2018 for which money receipt No.6378 dated 09.03.2018 was issued, Rs.1,00,000/- (One Lakhs) vide cheque no. 125276 of SBI dated 21.04.2018 for which money receipt No.026 dated 26.04.2018 was issued.

Perused the records of the case. No reply has been filed by respondent company. However, Mr. Alok Kumar, Managing Director of the respondent company was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

On the last date of hearing, on the request of Mr. Alok Kumar, MD of the respondent company for cancellation of agreement with land owner the Bench had directed the respondent to submit joint affidavit as uploaded on the website of the Authority and demand draft of the 'non' amount so that some amount could be returned to the allottees of this project.

It is apparent from the documents filed by the complainant that not with standing the fact that the project was not registered, the promoter went ahead with new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo Moto proceedings may be initiated against the respondent company

under section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs. 7,00,000/- 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 two years from the date of taking the booking within sixty days of issue of this order.

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

**Sd/-**  
**Nupur Banerjee**  
(Member)

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