

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

Case No. CC/792/2019

Sanjay Kumar

...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 by the Double Bench on 11.01.2022.

The case of the complainant is that he booked a flat No. 302, having an area of 1269sq.ft, in the proposed project “Agrani Shivdhyan” of the respondent company and deposited Rs.6,60,000/- (Six Lakh Sixty Thousand Only) as an advance though cheque. Since there was no development/construction of the project, complainant has prayed for refund of booking amount along with interest and compensation of Rs 75,000/- for mental torture and litigation cost.

The complainant has paid Rs.6,10,000/- (Six Lakh Ten Thousand Only) vide cheque no. 309360 of Canara Bank dated 23.02.2018 for which money receipt No.6371 dated 05.03.2018 was issued, Rs.50,000/-(Fifty Thousand Only) vide cheque no.

66039 of Axis Bank for which money receipt No.089 dated 09.06.2018 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 notwithstanding 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.6,60,000 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.

The complainant is at liberty to approach 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)