

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/902/2020

Ganesh Prasad Gupta.....Complainant

Vs

Agrani Homes Pvt. Ltd.....Respondent

Project: IOB Nagar, Block-M

09.06.2022

ORDER

The matter was last heard on 05.05.2022.

The case of the complainant is that he booked a flat, Block- M in the project "IOB Nagar" for total consideration of Rs.16,00,000/- against which he paid Rs.12,49,440/- in 2014 to the respondent. The complainant has alleged that no construction work has been started yet and respondent has failed to hand over the possession of the flat till date. Therefore, he filed this case for a refund of the amount paid along with 18 % interest and compensation.

The complainant has placed on record a copy of KYC, money receipts of Rs.12,49,440/- duly acknowledged by the respondent company.

Perused the records. The Bench notes that the respondent has not filed any reply.

During the course of hearing, complainant requested for the refund of amount with interest. However, the Legal Representative of the respondent submitted that they are willing to provide an alternate offer for flat to the complainant in project P.G-1 but the complainant did not accept the offer proposed by the respondent and reiterated his prayer for refund with interest.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, orders are being pronounced.

Having heard the submission of both the parties the Bench hereby directs the respondent company and its Director to refund the principal amount of Rs.12,49,440/- 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 plus four percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

So far as the claim of compensation is concerned, the complainant is at liberty to press his claims before the court of the Adjudicating Officer.

With these directions, the matter is disposed of.

Sd/-

Naveen Verma
(Chairman)