

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mrs. Nupur Banerjee, Members

Case No. CC/984/2021

Priyanka Singh.....Complainant

Vs

M/s Agrani Homes Real Marketing Pvt. Ltd..... Respondent

PROJECT: - Power Grid Nagar

ORDER

07-06-2022 This matter was last heard on 23-05-2022.

The case of the complainant is that she had booked a flat bearing Flat No.303 in Block- PG-II of Power Grid Nagar project in 2018 and had paid Rs.14.65 lakh out of total consideration amount of Rs.20 lakh for the flat. The complainant has submitted that as the project has not been approved by the Authority, the complainant has filed the present case seeking relief for the refund of the deposited amount with interest.

The complainant has placed on record money receipts dt.05-04-2018 for Rs.1 lakh, dt.12-06-2018 for Rs.2 lakh, dt.11-06-2018 for Rs.2 lakh, dated 18-04-2018 for Rs.1lakh, dated 13-06-2018 for Rs.2 lakh, dated 15-06-2018 for Rs.2 lakh, dated 05-03-2018 for Rs.1lakh, dated 14-06-2018 for Rs.2 lakh, dated 19-04-2018 for Rs.65,000/-, totalling to Rs.13.65 lakh, issued by the respondent company in respect of payments made. Further the complainant has placed ledger account for the period between 1 April, 2017 to 14 Feb, 2019 wherein it is mentioned that on 23-11-2018, the respondent has received Rs.1 lakh from the respondent.

The respondent has not filed any specific reply in this case. However, Mr. Alok Kumar, Managing Director of the respondent company was present during the course of hearing on 07-12-2021 and

has not challenged the submission of the complainant and the facts are being admitted.

During the last hearing on 23-05-2022, the complainant has reiterated his prayer for refund with interest. No one has appeared on the behalf of the respondent company.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Bench also observes that the application of registration of Project “PG Town” has been rejected by the Authority by order dated 02.09.2021.

After considering the documents filed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount of Rs.14.65 lakh (Fourteen Lakh) 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)