

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Mrs. Nupur Banerjee, Members**

Case No. CC/989/2021

Indu Devi.....Complainant

Vs

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

PROJECT: - IOB Nagar (M to Q)

**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. 205, measuring 1300 sq.ft., in Block- Q of IOB nagar project and had paid total amount of Rs.15.05 lakh out of total consideration amount of Rs.17 lakh in various installments on different dates via cheques. He further submitted that since, the project has not approved by the Authority and there is also loan taken against the above booked flat and more than three years have already been passed and no surety about when the project will be completed, hence, she filed present complaint praying to direct the respondent to refund the deposited money.

The complainant has placed on record money receipts dt.05-04-2018 for Rs.5 lakh, dt.06-04-2018 for Rs.5 lakh/-, dt.10-08-2018 for Rs.3,00,000/- & dt.27-05-2018 for Rs.2,00,000/-, totaling to Rs.15 lakh, issued by the respondent company in respect of payments made. Further, complainant has placed on record a copy of Agreement wherein at page 8, it is mentioned that complainant

has paid Rs.5,000/- in cash. Complainant has also placed on record KYC bearing serial no.252, issued by the respondent company.

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 course of hearing on 07-12-2021, the complainant had submitted that he had paid Rs. 15 lakh for the booking of flat and since the construction work has not been started yet, she want the refund of the same with interest.

Mr. Alok Kumar, MD of respondent company has prayed for time to file reply with respect to payment schedule during the course of hearing on 07-12-2021.

The Bench notes that the respondent has not filed any reply and has complied with the direction given on 07.12.2021.

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 also 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 IOB (M to Q) has been rejected by the Authority by order dated 27.08.2021.

After considering that the booking was made in 2018 and till date no development has taken place and also taking into consideration that project registration has not been approved, therefore, in the light of documents placed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount of Rs.15.05 lakh (Fifteen Lakh Five Thousand) 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)**