

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mrs. Nupur Banerjee, Members

Case No.CC/995/2021

Avinash Kumar Srivastava.....Complainant

Vs.

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

Project: Agrani Ashoka

O R D E R

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

The complainant's case is that he had booked a flat bearing flat no.201 in February, 2019 in Agrani Ashoka, Block- C, at 2nd floor and paid total amount of Rs.5.01 lakh on different dates via cheques to respondent. He further submitted that respondent has promised to complete the project within 36 months but more than 2 years has been passed but till date the no work has started and many projects of respondent has not got approval from Authority. He further submitted that complainant has given an application on 12-12-2020 requesting respondent to refund the amount but respondent has till date has not refunded the amount, hence, complainant has filed present case

seeking relief for the refund of principal amount along with interest and compensation.

The complainant has placed on record money receipt of Rs.5,01,000 /- duly acknowledged by the respondent company and KYC dated 27-02-2019 bearing No. 1132. Further, the complainant has also placed on record letter dated 12-02-2020 written to respondent with respondent seal and signature.

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, Mr. Ishtiyaque Hussain, learned counsel appear on the behalf of complainant and has submitted that he had booked a flat in Agrani Ashoka and had paid amount of Rs.5 lakh as advance. He further submitted that it was assured by the respondent that the project will be completed within 36 months but till now it has not been started. He further submitted that the project has

also not got approval from the RERA and on 12-12-2020, the complainant had send an application, requesting the respondent to cancel his booking and refund the amount paid but no response to that has been received so far, therefore requested to direct the respondent to refund the amount 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.

After considering that the booking has been made by the complainant in 2019 and till date the project has not been developed by the respondent and in the light of documents filed and submissions made and considering the prayer of complainant for refund, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs 5,01,000/-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 plus two percent 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)