

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman
CaseNo. RERA/CC/243/2021

Rupa Devi

.....Complainant

Vs

M/s Agrani Homes Pvt. Ltd.

.....Respondent

Project: IOB Nagar Block R

ORDER

4.7.2022: This matter was last heard on 12.5.2022 and was posted for orders on 17.5.2022. However, due to pre-occupation of the Bench in other matter order could not be pronounced.

This matter has been filed on 24.2.2021 seeking refund of Rs. 15 lakh which the complainant has paid for a flat in IOB Nagar Block-R through Cheque dated 7.10.2017. Unfortunately, the complainant expired due to COVID-19 in April, 2021, which was informed by her son Sri Sanjeev Kumar on 12 May, 2022 and in his application detailed information like Death Certificate, Copy of Aadhar Card and list of family members is attached. The list of family members shows that there are two sons (1) Sanjeev Kumar and (2) Sachin Kumar and one daughter Ms. Sangeeta Kumari and Death Certificate of Late Rupa Devi.

The Bench directs that the names of Sanjeev Kumar, Sachin Kumar and Ms. Sangeeta Kumari be substituted as complainants in place of Late Rupa Devi. The refund if any, would have to be distributed among the three heirs of the deceased complainant.

The complainant has filed MOU dated 11.12.2018 in which it is mentioned that Rs. 15 lakh has been paid at the time of booking against the consideration amount of Rs. 19.07 lakh. The payments have been made in October, 2017. Since the works were not started the matter was filed for refund of paid consideration.

On the last date of hearing, the complainant Sanjeev Kumar had requested for refund of the deposited money.

The representative of the respondent company has not refuted this submission and had submitted that the orders may be passed as the complainant was not interested in the offer proposed by them.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the project was not registered but the respondent went ahead with the new booking. Suo Motu proceeding should be initiated against the respondent company.

In view of the submissions of the complainant and respondent, the Authority hereby directs the respondent Company and its Director to refund the amount of Rs. 15 lakh along with interest calculated at MCLR of SBI as applicable for three years + 1% from the date of taking the booking to the date of refund within 60 days of this order to the complainants.

With these directions/observations the case is disposed of.

Sd/-

Naveen Verma
Chairman