

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member**

Case No. CC/1833/2020

Navneet Kumar.....Complainant

Vs

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

Project: Agrani Crystal Avenue

ORDER

12-05-2022

This matter was last heard on 07-04-2022 before the Double Bench.

The complainant booked two plots of 800 sq.ft. each bearing plots no. A5 & A10, in the project Agrani Crystal Avenue, situated at Koatwan Village, P.S.- Rupaspur, Patna with the respondent company for a total consideration of Rs. 28.80 lakh. The complainant paid Rs.6.50 lakh at the time of booking of the plot. He further submitted that the respondent has failed to handover the booked plots within stipulated time; therefore, the present complainant has been filed for seeking relief to return of the rest amount of Rs.4.50 lakh.

The complainant has placed on record money receipts dated 04-05-2018 for Rs.50,000/- & dated 06-06-2018 for Rs.6 lakh, totalling to Rs.6.50 lakh in respect to payments made to respondent. Further, the complainant has placed on record letter of cancellation dated 29-03-2019, written to respondent and KYC form bearing no.970.

The respondent has not filed any specific reply in this case. However, Mr. Satwik Singh, Legal Representative of the respondent company was present on the last date of hearing and have not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent has booked apartments 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.

During the last hearing on 07-04-2022, the complainant has submitted that the complainant has paid Rs. 6.50 lakhs to the respondent company out of which the respondent company has refunded a sum of Rs. 2 lakhs only and the remaining amount is yet to be refunded by the respondent.

The Bench notes that despite directions, no reply has been filed by the respondent company.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the remaining amount of Rs.4.50 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.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)