

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/1144/2021

Rubi Rai & Sanjay Kumar

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: P.G. Town

19/12/2022

ORDER

This matter was last heard on 08.09.2022 and was fixed for orders on 26.10.2022. However, due to pre- occupation of the Bench in other matter, order could not be pronounced on the date fixed.

In this matter, the complainant booked a flat bearing Flat No.- 204 in the project P.G. Town and had paid Rs. 10,50,000/- out of the total consideration of Rs 15,00,000/- by 2019. The complainant has filed the complaint case as the respondent failed to construct the project. The complaint has been filed for refund of the paid amount along with interest.

The complainant has placed on record copy of money receipts, copy of KYC dated 07.06.2019, account statement and copy of MOU dated 23.12.2019.

Perused the record. No reply has been filed by the respondent.

On the last date of hearing the complainant reiterated his prayer for refund with interest.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench so, order is being passed on the basis of documents available on record.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as they sold the flat without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, so, orders are being passed.

After considering the documents filed and submission made, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 10,50,000/- to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State bank of India as applicable for three years from the date of taking booking till the date of refund within sixty days of issue of this order.

With these directions and observations, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)