

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/975/2021

Jitendra Kumar.....Complainant

Vs

Agrani Homes Real Marketing Pvt. Ltd.....Respondent.

Project: Yamuna Enclave

For Complainant: In Person

For Respondent : Mr. Satwik Singh, L.R.

ORDER

07.11.2022

The matter was last heard on 25.08.2022 and was fixed for orders on 13.10.2022. However, due to pre-occupation of the Bench in other matter, order could not be pronounced on the date fixed.

The case of the complainant is that he booked a flat in the project AHRM in 2019 and paid Rs.4,08,444 as advance amount at the time of booking. He further submitted that later on he paid Rs. 1,60,000/- to respondent through UPI as demanded by them for the completion of flat. Since, no response either from promoter or agent regarding development of project has been communicated to complainant, the allottee/complainant has filed the present case seeking refund of the amount paid.

The complainant has placed on record money receipt of Rs.4,08,444/-, duly acknowledged and issued by the respondent company but has not placed on record any documents to substantiate his claim for the payment of Rs. 1,60,000/- to the respondent company.

Perused the records. No reply has been filed by the respondent. However, their representative of the respondent company has been present during the course of the proceedings and has not refuted the claim of complainant.

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

The representative of the respondent company has submitted during the course of last hearing that order for refund may be passed.

The Bench observes that in complaint petition, complainant had mentioned project name as AHRM but it appears from the KYC and booking application filed that complainant had booked flat in project Agrani Yamuna Enclave.

The Bench also 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 and representative of respondent has not refuted the claim of complainant, hence, order is being pronounced.

In the light of the documents placed, submissions made by the parties, the Bench hereby directs the respondent company and its directors to refund the entire principal consideration amount paid by 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 plus three percent from the date of deposit of the consideration amount 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)