

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. RERA/CC/1004/2021

Mamta Devi

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - Prakriti Vihar

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 she had booked plot bearing plot no: 682, admeasuring 420 sq. ft. in the project Prakriti Vihar in 2016. The complainant has stated that she has paid Rs. 5,00,000/- to the respondent out of total consideration of Rs.9,57,495/- but since they have failed to hand over the plot by developing it, this complaint case has been filed for refund of paid consideration with interest.

The complainant has placed on record money receipts and KYC, duly acknowledged and issued by the respondent company.

Perused the records. No reply has been filed by the respondent. However their representative has been present on the last date of hearing and have not refuted the claim of complainant.

On the last date of hearing, the complainant reiterated her prayer for refund of the amount paid.

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

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, and the representative of respondent has not refuted the claim of complainant, orders are being pronounced.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the paid consideration i.e. Rs.5,00,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus three percent from the date of taking the 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)