

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

**Case No: RERA/CC/11/2022**

**Navratan Kumar**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: SBI Nagar**

**06/01/2023**

**ORDER**

This matter was last heard on 07.11.2022 and was fixed for orders on 02.12.2022. 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 of 3 BHK having super built-up area 1620 sq.f.t. along with reserve car parking for a consideration of Rs.12 lakh along with service tax as applicable and he had paid Rs. 6.50 lakh (Rs.3.50 lakh on 21.01.2015 and Rs.3 lakh on 03.08.2015) through cheque in 2016. The complainant has stated that at the time of booking the Director of the company assured him to complete the project but they did not start the project till date The complaint has been filed for refund of the paid amount along with interest.

The complainant has placed on record the copy of MOU, application form and the money receipts.

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 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. 6.50 lakh 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 plus 2% 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)**