

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

Case No: RERA/CC/1120/2021

Rishu Singh & Rajnish Ranjan **...Complainant**

Vs.

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

Project: Agrani P.G. Town

08-11-2022

ORDER

This matter was last heard on 20.09.2022

The case of the complainants is that complainants booked flat no. 101 in 2019 for which they have paid Rs. 11,00,000/- out of the total consideration of Rs. 15,00,000/-. The complainants have filed the complaint case as the respondent failed to construct the project. The complainants have prayed for refund of the paid amount with interest and compensation.

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

Perused the records. No reply has been filed by the respondent. The learned counsel for the respondent was present on the last date of hearing and has not challenged the contention of the complainant therefore; the submission of the complainant is admitted.

On the last date of hearing the learned counsel for the complainant reiterated the prayer for refund with interest and submitted that the complainants are not interested in alternate offer proposed by the respondent.

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, orders are being pronounced.

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

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. 11,00,000/- 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 two years from the date of taking booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press their claim of compensation before the Adjudicating Officer.

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

Sd/-
Nupur Banerjee
(Member)