

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/1142/2021

Roji Devi

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Nagar, Block - M

08-11-2022

ORDER

This matter was last heard on 20.09.2022

The case of the complainant is that complainant booked a flat in 2018 for which she has paid the total consideration of Rs. 17,00,000/-. The complainant has filed the complaint case as the respondent failed to construct the project. The complainant has prayed for refund of the paid amount with interest.

The complainant has placed on record copy of MOU 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.

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

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. 17,00,000/- 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 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)