

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

Case No: RERA/CC/1170/2021

Shashi Bhushan ...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. ...Respondent

Project: IOB Nagar Block-L

10 Nov 2022

ORDER

The matter was last heard on 31.08.2022 and was fixed for orders on 21.10.2022. 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 in the project IOB Nagar Block-L in 2017 and had paid Rs. 6,00,000/- out of the total consideration of Rs. 15,00,000/-. The complainant has filed the complaint case as the respondent failed to comply with the terms of agreement dated 14.03.2019. The complaint has been filed for refund of the paid amount with interest and compensation.

The complainant has placed on record copy of money receipt, copy of M.O.U. dated 14/03/2019 and copy of KYC dated 11.11.2017

Perused the record. No reply has been filed by the respondent.

On the last date of hearing the learned counsel for the complainant reiterated his prayer. The representative of the respondent offered alternate flat but the learned counsel for the complainant submitted that the complainant is not interested in the terms of the respondent. The representative of the respondent has not challenged the contention of the

complainant hence, the contention of the complainant is admitted.

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. 6,00,000/- 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 plus 1% 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)