

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

Case No: RERA/CC/1173/2021

Shiv Kumar Sharma

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: : IOB Nagar Block-L

17-11-2022

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. 6,25,000/-. The complainant has filed the complaint case as the respondent failed to construct the project. The complaint has been filed for refund of the paid amount with interest and compensation.

The complainant has placed on record copy of MOU dated 14/03/2019.

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 proposed alternate offer but the learned counsel for the complainant reiterated for refund with interest.

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.

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.

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. 6,25,000/- 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 the claim for compensation before the Adjudicating Officer.

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

Sd/-
Nupur Banerjee
(Member)