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

Case No: RERA/CC/1174/2021

Neeraj Kumar Pankaj

...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. 2,25,000/-. The complainant has filed the complaint case as the respondent failed comply 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 KYC dated 10/03/2019 and 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 and the representative of the respondent submits that within the time frame on the same consideration amount if they want to wait for 30 months they will provide the flat.

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. 2,25,000/- 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.

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

Sd/-Nupur Banerjee (Member)