

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

Case No: RERA/CC/147/2022

Sujeet Kumar Gupta

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Block-K

27/03/2023

ORDER

In this matter, the complainant has booked a 3 BHK flat on 4th floor having an area of 1300 sq.ft. in Block-K in Agrani IOB Nagar in the year 2013 with one covered car parking for which an agreement was entered into between the parties on 16.04.2015 and out of total consideration of Rs.28,83,366/- he has paid Rs.13 lakh but despite payment, the respondent has not handed over possession of the flat. It is stated that the complainant agreed to pay the total consideration. It is further stated that the complainant visited the site of the project but he came to know that there is no development in the project. Therefore, he has prayed to direct the respondent to either hand over the flat or refund the principal amount of Rs.13 lakh with interest and compensation.

The complainant has placed on record the copy of the MOU.

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

From the records it appears that that the complainant has sent a cancellation letter of the flat to the respondent with a prayer to refund the amount of Rs.13 lakh with interest.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench so, in the interest of justice order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the consideration amount paid by the complainant in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.13 lakh 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 eight years plus 2% interest from the date of taking booking till the date of refund within sixty days of issue of this order.

As regards compensation, the complainant is at liberty to file a case before the Adjudicating Officer as per provisions of the Act.

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

Sd/-

Nupur Banerjee
(Member)