

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

Case No: RERA/CC/19/2021

Devanand Manglam

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: Agrani Grand City

23/02/2023

ORDER

In this matter, the complainant has booked a flat of 3 BHK under one-time scheme for an area of 1200 sq.ft. of the proposed project and out of total consideration of Rs.30 lakh he has paid Rs.27,50,270/- which includes service tax and the rest had to be paid at the time of possession. At the time of booking it was promised that the flat will be delivered after 36 months but up till now there is no progress in the project in question. It is further stated that when the respondent failed to deliver the flat even after lapse of 6 years, thereafter finding no way out the complainant requested the respondent to return the money for which an application was also filed for cancelling the flat on 15.05.2019. Thereafter the respondent issued a letter dated 23.05.2019 with regard to cancellation of flat but even after more than 1½ years the respondent has not refunded the money. It is also stated that at present the rate of the flat is Rs.5000/- per sq.ft. therefore direction may be given to the respondent to pay the principal amount with statutory interest and compensation at the present rate.

The complainant has placed on record the copy of the MOU, the money receipts and KYC.

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

On the last date of hearing the complainant reiterated his prayer for refund with interest and compensation.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench so, 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.27,50,270/- 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 5% 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)**