

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman and
Mr. S.D. Jha, Member**

Case No: RERA/CC/27/2021

Beauty Kumari

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: Agrani Prakriti Vihar

02.11.2022

09.11.2022

ORDER

This matter was last heard on 10.10.2022 and fixed for orders on 2.11.2022. However orders could not be pronounced on that date.

The case of the complainant is that she booked a plot bearing plot no. 472 in respondent's project, for a total consideration amount of Rs.11,39,875 and had paid Rs.3,51,000 as advance amount in lieu of booked plot. The complainant has further stated that since the possession of the plot has not been handed over to her by developing it within the stipulated time period, she filed has filed the matter seeking refund of the amount paid along with interest.

The allottee has placed on record money receipts of the amount paid to respondent, duly issued and acknowledged by the respondent along with a copy of KYC.

Perused the records. No specific reply has been filed by the respondent. However, the representative of the respondent company was present during the course of hearing on 13.06.2022

and did not challenge the contention of the complainant. He seeks time to show the alternative plot to the complainant.

On last date of hearing the complainant had reiterated her prayer for refund and submitted that she is not interested in any offer of the respondent.

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, and the representative of respondent has not denied the contention of the complainant, the order is being pronounced.

Having heard the submissions, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.3,51,000 (Rupees Three Lakh Fifty One Thousand only) 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 two percent from the date of taking booking till the date of refund within sixty days of issue of this order.

With this direction and observation, the matter stands disposed of.

Sd/-
S.D. Jha
(Member)

Sd/-
Naveen Verma
(Chairman)