

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

Case No: RERA/CC/622/2021

Ram Balak Singh

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd. ...Respondent

Project: Agrani Ashoka, Block-C

18-11-2022

ORDER

The matter was last heard on 18.10.2022.

In this matter the complainant booked a flat in the project Agrani Ashoka Block-C in 2019 and had paid Rs. 4,00,000/-. 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 money receipt and KYC dated 28/03/2019.

Perused the record. No reply has been filed by the respondent, however, the representative of the respondent was present on the hearing dated 29-08-2022 and has not challenged the contention of the complainant so, the contention of the complainant is admitted.

On the last date of hearing the learned counsel for the complainant reiterated the complaint petition and prayer for refund.

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. 4,00,000/- 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 two years 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 his claim of compensation before the Adjudicating Officer.

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

Sd/-
Nupur Banerjee
(Member)