

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

Case No: RERA/CC/665/2021

Vimala Devi

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: Agrani Prakirti Vihar

06/01/2023

ORDER

This matter was last heard on 13.10.2022 and was fixed for orders on 28.11.2022. 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 plot of 2200 sq.ft. having plot no. 620 on 22.08.2016 for a consideration of Rs.10,34,550/- and till October, 2017 she had paid Rs. 5,17,275/- through cheque. She stated that at the time of booking the Director of the company assured her to complete the project before December, 2019 but they did not start the construction of the project till date. The complaint has been filed for refund of the paid amount along with interest and compensation.

The complainant has placed on record the copy of MOU dated 13.10.2017, KYC and the money receipts.

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.

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.

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, so, orders are being passed.

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. 5,17,275/-/- 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 2% 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)