

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

Case No: RERA/CC/802/2021

Mohammad Seraj Jahan

...Complainant

Vs.

M/s Agrani Homes Real marketing Pvt. Ltd.

...Respondent

Project: Agrani PG Town, Block - B

06-12-2022

ORDER

This matter was last heard on 15.11.2022

In this matter the complainant booked a flat in the project PG Town, block-B in 2017 and had paid Rs. 15,68,000/- out of the total consideration of Rs. 16,00,000/- . The complainants have filed the complaint case as the respondent failed to construct the project. The complaints have been filed for refund of the paid consideration along with interest.

The complainant has placed on record copy of M.O.U. dated 09.08.2017 and money receipts.

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

On the last date of hearing, the complainant reiterated his prayer for refund.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench, so, orders are being passed on the basis of documents available on the record.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as they sold the flat without registering the real estate project with RERA. This matter

may be included in the Suo Moto proceeding against the respondent company.

The Authority 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 promoter is not appearing, orders are being pronounced.

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. 15,68,000/- 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 three years plus 1% from the date of taking booking till the date of refund within sixty days of issue of this order.

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

**Sd/-
Nupur Banerjee
(Member)**