

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

Case No: RERA/CC/868/2021

Nidhi Sinha

...Complainant

Vs.

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

Project: S.B.I Nagar

24/11/2022

ORDER

The matter was last heard on 22.08.2022 and was fixed for orders on 23.09.2022. 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 flat bearing no. 102 in the project **Agrani SBI Nagar** in 2017 and had paid Rs. 7,00,000/- in lieu of the total consideration of Rs. 15,67,500/-. The complainant has filed the complaint case as the respondent failed to enter into an agreement to sell and has also failed to deliver the possession of the said flat. The complaint has been filed for refund of the paid amount along with interest and compensation

The complainant has placed on record copy of money receipts with supporting cheques and copy of KYC dated 09/02/2017.

Perused the record. No reply has been filed by the respondent however, the representative of the respondent was present on the last date of hearing and has not challenged the contention of the complainant.

On the last date of hearing the learned counsel for the complainant reiterated his 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.

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. 7,00,000/- 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 three years plus 1 percent 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)**