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

Case No: RERA/CC/870/2021

**Avinash Kumar** 

...Complainant

Vs.

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

Project: Agrani Kalawati Residency

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 in the project Agrani Kalawati Residency in 2017 and had paid a sum of Rs. 8,51,000/- by 2017. The complainant has filed the complaint case as the respondent failed to enter into an agreement for sale and till today neither the complainant got her booked flat nor got her paid money. 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 for Rs. 7,51,000/- and copy of KYC dated 21.08.2017.

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. 8,51,000/- 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.

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)