

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

Case No: RERA/CC/282/2021

Shankar Kumar

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

.. ...Respondent

Project: IOC Nagar

Present: For Complainant: In person

For Respondent: None

05/04/2023

ORDER

In this matter, on 06.02.2014 the respondent and the complainant entered into an agreement for unregistered housing project for 96 members of flat having 1626 sq.ft. super built up area with reserved car parking. On 25.04.2014 the complainant entered into a separate agreement against unregistered housing project for 25 members of flat having 1626 sq.ft. super built up area with reserved car parking. As per assurance of the respondent, the complainant agreed to purchase flat on consideration amount of Rs.8.50 lakh plus service tax to each flat separately. The complainant paid Rs.50.05 lakh in total but the respondent failed to fulfil the promises and even failed to deliver the flat in time. Therefore, he has prayed to direct the respondent to refund the entire amount received from them with interest and compensation.

The complainant has placed on record the copy of the MOU and the money receipts.

The Bench notes that since it is a case for refund of the principal amount with interest and the respondent has not filed any reply, so, in the interest of justice order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the consideration amount paid by the complainant in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to refund the entire amount 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% interest from the date of 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)

