

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. RERA/CC/776/2021

Sweta Kumari

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - Prakriti Vihar

ORDER

01.08.2022

The matter was last heard on 20.07.2022.

The case of the complainant is that she had booked plot bearing no: 789, admeasuring 1500 sq. ft. in the project Prakriti Vihar. The complainant has stated that she has paid Rs. 3,21,000/- to the respondent out of total consideration of Rs.6,21,000/- but since they have failed to hand over the plot, this complaint case has been filed for refund of paid consideration with interest and compensation.

The complainant has placed on record money receipts and KYC, duly acknowledge and issued by the respondent company. Further, the complainant has also placed on record Memorandum of Understanding dated 28-03-2016.

Perused the record. The respondent has not filed any specific reply and even not appeared during the course of hearing despite notices and summon issued, hence, ex-parte order is being pronounced.

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

No one appears on behalf of the respondent despite issues of notices and summon and for which a penalty of Rs.10,000/- was levied upon the respondent on the last date of hearing and respondent is directed to submit the levied penalty amount, failing which it can be recovered as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21, Rule 30 of the Code of Civil Procedure, 1908.

After considering the documents filed and submissions made by both the parties, the Bench hereby directs the respondent company and their Directors to refund the paid consideration i.e. Rs. 3,21,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press the claim for compensation before the A.O.

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

Sd/-

Nupur Banerjee

(Member)