

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Before the Single Bench of Mrs. Nupur Banerjee, Hon'ble Member**

Case No. CC/780/2021,

Vishnu Dayal Ram & Usha Devi .....Complainant

Vs.

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

PROJECT: - PG Town, Block-D

**ORDER**

**01-08-2022** This matter was last heard on 20-01-2022.

The case of the complainant is that complainant had booked a Flat, bearing Flat No.103, in Block-D, in Agrani PG Town at Sarari, Danapur in 2018 and had paid Rs.16 lakh, total consideration amount of the flat. They further submitted that respondent has assured that within 2 years the project will be completed but more than 3 years has been passed but till date no construction work has been started at the project site. It has been further submitted that they tried to contact the respondent company but no satisfactory reply has been given and now, the respondent has closed their office because of which they not able to contact them, hence, this matter has been filed seeking relief for the refund of the deposited amount with interest and compensation.

The complainant has placed on record money receipts and KYC, duly acknowledged and issued by the respondent company.

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.

The Bench observes that the application of registration of Project “PG Town” has been rejected by the Authority by order dated 02.09.2021.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company.

After considering the documents filed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount of Rs.16 lakh (Sixteen Lakh) to the complainant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent from the date of taking the booking within sixty days of issue of this order.

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

Sd/-

**Nupur Banerjee**  
**(Member)**