

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mrs. Nupur Banerjee, Members

Complaint Case No. RERA/CC/727/2021

Mrs. Sanju Kumari.... .Complainant

Vs.

Agrani Homes Real Marketing Pvt. Ltd.....Respondent

Project: Agrani S.B.I. Nagar

25.08.2022

ORDER

The matter was last heard on 25.07.2022.

The case of the complainant is that she booked a flat in the project "Agrani SBI Nagar" for total consideration of Rs.16,00,000/- in 2019 against which he had paid Rs.12,00,501 /- to the respondent. Since till date, there is no development at the project site and the respondent has failed to handover the possession of the flat, therefore, he filed present case seeking relief for refund of the deposited amount along with interest.

The complainant has placed on record a copy of the MOU signed between the parties and money receipt of Rs.12,00,501/- duly issued and acknowledged by the respondent company.

Perused the record. The respondent has not filed any reply. However their representative has been present on the last date of hearing and have not refuted the claim.

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

The representative of the respondent company has submitted that the complainant is not interested in any offer; hence, order for refund may be passed.

The Bench notes that on the last hearing direction was given to complainant to send a cancellation letter to respondent and file a copy of same but the same was not filed. The Bench observes that the allottee has to send 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 and the representative of the respondent was present on the last date of hearing and has not challenged the claim of complainant hence, order is being pronounced.

After considering that the booking has been made by the complainant in 2019 and till date the project has not been developed by the respondent and in the light documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.12,00,501 /-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 three years plus three 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)