

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. RERA/CC/772/2021

Ajay Kumar

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

For Complainant: Mr. Shashank Shekhar, Advocate

For Respondent : None

Project: - Prakriti Vihar

ORDER

05.09.2022

The matter was last heard on 27.07.2022.

The case of the complainant is that he had booked plot bearing plot no: 857, admeasuring 1500 sq. ft. in the project Prakriti Vihar in 2015. The complainant has stated that he has paid Rs. 2,60,000/- to the respondent out of total consideration of Rs.5,82,188/- but since they have failed to hand over the plot by developing it, this complaint case has been filed for refund of paid consideration with interest.

The complainant has placed on record money receipts and KYC, duly acknowledge 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, order is being pronounced on the basis documents available on the record.

On the last date of hearing, learned counsel for the complainant reiterated his prayer for refund.

The Bench observes that on the last hearing a penalty of Rs.10,000/- was levied upon the respondent for non appearance despite issued of summon, therefore, respondent is directed to deposit the levied penalty amount immediately, 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 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, and the promoter is not appearing, orders are being pronounced.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and

their Directors to refund the paid consideration i.e. Rs.2,60,000/- 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.

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

Sd/-

**Nupur Banerjee
(Member)**