

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman,
& Mrs. Nupur Banerjee, Member**

Case No. RERA/CC/1028/2020

Mirtunjay Kumar

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: Agrani Shivdhyan

06.01.2022

14.01.2022

ORDER

This matter was last heard before the double bench on 02.12.2021.

The case of complainant is that he booked a flat in the proposed project "Shivdhyan" of respondent company and deposited Rs. 5,00,000/- (Five Lakh Only) as an advance through cheque. Since there was no development/ construction of project, the complainant applied for cancellation of the flat and requested for refund which was duly received by the respondent company on 09.12.2019. Therefore, complainant has prayed for refund of booking amount along with interest.

On perusal of documents as filed by complainant it appears that the complainant has paid Rs. 1,00,000/- vide cheque no. Axis Bank 094444 dated 28.01.2018, and Rs. 4,00,000/- vide cheque no. Yes Bank 927671 dated 07.02.2018, for which money receipt no. 6351 dated 13.02.2018 was issued in the name of complainant for the project 'Shivdhyan'.

Perused the records of the case. No reply has been filed by respondent company. However, Mr. Alok Kumar, Managing Director of the respondent company was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

On the last date of hearing, dated 02.12.2021, Mr. Alok Kumar, MD of the respondent company requested for cancellation of agreement with land owner so that he could pay the amount to complainant.

The Bench observed that it had directed the MD of the respondent to file joint affidavit in respect of same with demand draft to Registration wing.

It is apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo moto proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs. 5,00,000/- 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 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)

Sd/-
Naveen Verma
(Chairman)