

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No. RERA/CC/1592/2020**

**Vikash Kumar Gupta**

**...Complainant**

**Vs.**

**M/s Agrani Homes Pvt. Ltd.**

**...Respondent**

**Project: Shivdhyan**

**06.01.2022**

**14.01.2022**

## **ORDER**

This matter was last heard before the Double Bench on 02.12.2021.

The case of the complainant is that he booked a flat in the proposed project "Shivdhyan" of respondent company and deposited Rs. 6,00,000/- (Six Lakh Only) as an advance through cheque. The complainant requested the respondent company to sign the agreement but Shri Anil Kumar Sinha and Keshav Kumar the Directors of the company asked the complainant to cancel the booking. Since there was delay in resolving this issue, the complainant applied for cancellation of flat and request for refund on 16.09.2019. The complainant has prayed for refund of booking amount along with interest.

The complainant has placed on record documents indicating payment of Rs.1,00,000/- vide cheque no. Axis Bank 094443 dated 28.01.2018, and Rs. 5,00,000/- vide cheque no. SBI 005466 dated 07.02.2018, for which money receipt no. 6352 dated 13.02.2018.

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 prayed for cancellation of agreement with land owner so that he could pay the amount to the complainant. The Bench had directed the MD of the respondent company 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. 6,00,000/- 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.

Sd/-  
**Nupur Banerjee**  
(Member)

Sd/-  
**Naveen Verma**  
(Chairman)