

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Hon'ble Chairman**

**RERA/CC/1768/2020**

**Amarendra Kumar Singh .....Complainant**

**Vs.**

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

**PROJECT : "I.O.B Nagar Phase II"**

## **Order**

**9.06.2022**

This matter was last heard on 5.05.2022.

The case of the complainant is that he booked a flat in the project "I.O.B Nagar" in March 2011 for total consideration amount of Rs. 14,25,000/- against which she paid Rs.13,00,000/-. Agreement for sale was executed on 20th June 2011. Subsequently after negotiation the booking was transferred in the project "I.O.B Nagar Phase II" for a total consideration of Rs.13,00,000 and payment made for flat in I.O.B Nagar was adjusted against the booking in I.O.B Nagar Phase II and agreement for sale was executed on 13.03.2012. The respondent promised to handover the flat by December, 2014 but he failed to do so. Hence, the complainant has filed the present case praying for refund of amount paid with 18% interest and compensation of Rs. 5,00,000/-.

The complainant has placed on record Memorandum of understanding for the flat in "I.O.B Nagar" executed on 20th June 2011 and Memorandum of understanding for the flat in "I.O.B Nagar Phase II" executed on 13.03.2012

During the hearing held on 5.05.2022, the complainant submitted that he has paid Rs.13,00,000/- to

the respondent and further reiterated his requests for refund.

However, the Legal Representative of the respondent submitted that they are willing to offer alternative flat.

The complainant rejected the offer and reiterated his prayer for refund with interest

Perused the records. No reply has been filed by the respondent in compliance with the last direction of the bench.

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, order are being pronounced.

Having heard the submission of both the parties the Bench hereby directs the respondent company and its Director to refund the principal amount of Rs. 13,00,000/- 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 three years plus four percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

With these directions, the matter is disposed of.

Sd/-

Naveen Verma

**(Chairman)**