

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. CC/1800/2020,

Renu Singh.....Complainant

Vs

M/s Agrani Homes Real Services Pvt. Ltd..... Respondent

PROJECT: - PG Town, Block-B

ORDER

04-02-2022 This matter was last heard on 20-01-2022.

The case of the complainant is that she had enter into Memorandum of Understanding dt.28-02-2018 for the booking of flat bearing Flat No. 105, measuring 1300 sq. ft., in Block- B of PG Town and had paid total amount of Rs.16.25 lakh in various instalments through cheque on different dates. She further submitted that it was assured by the respondent company that by Feb, 2022, the flat will be handed over but till date no construction work has been started yet, therefore, she wants refund of the deposited money with interest.

The complainant has placed on record money receipt dt.11-11-2017 for Rs.3.01 lakh, dt.14-11-2017 for Rs.2 lakh, dt.28-11-2017 for Rs.4.01 lakh, dt.15-12-2017 for Rs.2 lakh, dt.05-12-2017 for Rs.3.49, dt. 22-01-2018 for Rs.1.74 lakh, totalling to Rs.16.25 lakh, issued by

the respondent company in respect of payments made. Further, complainant has also placed on record Memorandum of Understanding dt.28-02-2018.

The respondent has not filed any specific reply in this case. 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.

During the last hearing on 20-01-2022, complainant had submitted that in 2017, she had booked a flat and paid Rs.16.25 lakh but since no work was done in the project, she wants her deposited money refunded with interest.

Mr. Alok Kumar, MD of respondent company offered the proposal of land to the complainant but she wanted refund with interest. Further, the respondent prays for time to file reply.

The Bench notes that the respondent has not filed any reply and complied with the direction given on the last hearing dated 20.01.2022.

The Bench also notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016. The Bench also observes that the application of registration

of Project “PG Town” has been rejected by the Authority by order dated 02.09.2021.

After considering the documents filed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount of Rs.16.25 lakh (Sixteen Lakh Twenty Five Thousand) 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/-

**Naveen Verma
(Chairman)**

Sd/-

**Nupur Banerjee
(Member)**