

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman,
Mr. R.B. Sinha, Member and Mrs. Nupur Banerjee, Member**

Case No.CC/381/2021

Sinha Miritunjoy Kumar..... Complainant

Vs.

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

Project: Daffodil City

ORDER

31/10/2021: This matter was last heard along with the batch of cases in the Full Bench on 09/09/2021.

The complainant's case is that he had booked a flat in project Daffodil City, paid Rs 5,90,100/- and filed the money receipt dated 14/04/2018 for Rs 51,000/-, 19/04/2018 for Rs 2,50,000/- and 30/04/2018 for Rs 2,89,100/-. Since the work has not started, he has requested for refund with compound interest and compensation for physical and mental harassment.

Perused the records. The respondent has not filed any written submission.

However, since Mr. Alok Kumar, Managing Director and Mr. Rana Ranveer Singh, Director of the respondent company were both present on the last date of hearing and they have not challenged the contention of the complainant and the facts are being admitted.

During the hearing held on 9.9.2021 the complainant requested for refund with interest.

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 motu

proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Bench notes that the application of registration of Project “Daffodils City” has been rejected by the Authority by its letter dated 27.8.2021. The Authority also notes that on the last date Mr. Alok Kumar, Managing Director of the respondent Company had requested for time to refund the due amount. The issue of compensation would have to be pressed before the Adjudicating Officer.

The Authority directs the respondent company and their Director to refund the principal amount of Rs.5,90,100/- along with interest calculated at the marginal cost of fund based lending rate (MCLR) of State Bank of India applicable for one year to the complainant within 60 days from the date of order.

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)