

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman
Case No. RERA/CC/408/2021

Nishant Raj Nishu and Priyanka Kumari**Complainant**

Vs

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

Project: Agrani SBI Nagar.

ORDER

14.9.2022

This matter was last heard on 25.8.2022.

The complainants had booked a flat in the project Agrani SBI Nagar on 5.6.2018 for a total consideration amount of Rs.15.50 Lakh. The complainant had paid Rs.13.50 Lakh. However, the respondent did not enter into an MOU. Further, the project has not been registered with RERA. The matter has been filed for refund of principal amount with interest and for payment of compensation and legal expenses.

The complainants have filed copies of the cheque paid by them and money receipts issued by the respondent. Although, the respondent has not filed a reply, they had offered plot in village Parmanandpur, Sonapur to the complainants. The respondent has subsequently filed a petition stating that the complainant is not interested in the offer and the orders may be passed.

The Authority recalls that on the last date of hearing both the parties were requested to file written submission after visiting the plot stating therein the response of the complainant and the offer made by the promoter.

Perused the records. The Authority notes that no written submission has been filed and therefore, concludes that the offer of the respondent is not acceptable to the complainant.

The Authority also notes that the booking was made in 2018 without getting the project registered which is violation of Section 3 the Real Estate (Regulation and Development) Act, 2016 and hence suo-motu action may be initiated under Section 59 of the Act.

After having considered the submissions made the Authority hereby direct the company and the Directors of the respondent company to refund principal amount of Rs.13.50 lakh along with interest calculated at marginal cost of fund based lending rates (MCLR) of SBI for three years within 60 days from the date of passing of this order.

The complainants are at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer.

With this direction/observation the matter is disposed of.

Sd/-
Naveen Verma
Chairman