

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/439/2021

Abhishek Raj

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - Agrani SBI Nagar

ORDER

14.09.2022 The matter was last heard on 25.08.2022.

The case of the complainant is that he booked a flat in the project SBI Nagar on 29/03/2017. The complainant has stated that he has paid Rs. 14,00,000/- but as the respondent failed to construct the project , he has filed the matter for refund with interest and compensation.

The complainant has placed on record copy of KYC, money receipts with supporting cheques and M.O.U. dated 02/06/2017.

The respondent has submitted a reply stating therein that the respondent has offered alternate offer to the complainant but he is not interested in alternate offer and requested for refund.

On the last date of hearing, an opportunity was given to the complainant to visit the plot to evaluate the offer of land and thereafter file written submission stating his response..

Perused the record. The Authority notes that both the parties have failed to file the written submission as directed on the last date of hearing.

The Authority observes that there is no merit in keeping the matter pending, so, orders are being passed on the basis of documents available on record and the relief made by the complainant in the complaint petition.

The Authority notes that the submission of the complainant was not challenged by the respondent on the hearing dated 25/08/2022 and hence his claim is admitted.

The Authority 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, orders are being pronounced.

After considering the documents filed by the complainant, the Bench hereby directs the respondent and its directors to refund the remaining paid consideration of Rs. 14,00,000/- to the complainant along with interest on the total paid consideration at the rate of marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years plus one percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

The Authority notes that on hearing dated 23/06/2022 a penalty of Rs. 5,000/- was imposed on the respondent for not complying the direction. The Authority further directs the respondent to pay the penalty within fortnight failing which the same shall be recoverable as per section 40(2) of the Real Estate (Regulation and Development) Act, 2016, read with Order 21 Rule 30 of the Code of Civil Procedure, 1908.

The complainant is at liberty to press his claim for compensation before the Adjudicating Officer.

With these observations and directions, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)