

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

Before the Full Bench of Mr Naveen Verma, Chairman,  
Mr R.B. Sinha & Mrs Nupur Banerjee, Members

**Case No.CC/497/ 2021.**

Kumar Swetank ..... Complainant  
Vs.  
M/s Agrani Real Services Pvt. Ltd. .... Respondent

**Project: Sangeeta Kunj**

**07/09/2021**

**ORDER**

This matter was last heard along with the batch cases in the Full Bench on 23.8.2021.

The case of the complainant is that he had deposited Rs.5 lakhs as advance between January to February, 2018 for an apartment in the Project Sangeeta Kunj but since the work has not been done, he wants refund of his investment.

The Director of the respondent company Mr. Alok Kumar who was present during hearing has not challenged the submission of the complainant, although rejoinder has not been filed by the respondent. He stated that with the cancellation of the development agreement he would get an amount of Rs. 40 Lakhs after return of the land to the landowner.

The Authority noted that the total amount of refund could be much more than the amount he could be getting from the land owners and that he would need to make alternate arrangements for refund of the investment as he had himself withdrawn his application for registration of this project.

The application for registration of the project was rejected as withdrawn on 17.6.2021 as Mr. Alok Kumar, Director of the respondent company had expressed his inability to complete the project.. 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 Authority directs the Respondent Company and their Directors to refund the principal amount of Rs.5 lakhs 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.

Sd/-  
**Nupur Banerjee**  
**Member**

Sd/-  
**R.B. Sinha**  
**Member**

Sd/-  
**Naveen Verma**  
**Chairman**