

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/CC/817/2019

Mrs. Smita Kumari..... Complainant

Vs.

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

Project: Patliputra Enclave

27.09.2021

29.11.2021

ORDER

This matter was last heard along with the batch cases before the full bench on 06.09.2021.

The case of the complainant is that she booked flat No. 201, having a super built up area of 1300 sq. ft. in the year 2015, in block- A of the proposed project "Patliputra Enclave" of respondent company and deposited Rs. 16,06,187/- (Sixteen Lakhs six thousand one hundred eighty-seven only) as an advance through cheque. The total consideration amount to be paid was Rs. 18,13,437/- (Eighteen Lakhs thirteen thousand four hundred and thirty-seven only). The complainant has paid Rs.15,50,000/- (Fifteen Lakhs fifty thousand) vide cheque no. PNB 439619 dated 19.12.2015, for which money receipt no. 255 dated 14.12.2015 was issued and Rs. 56,187/- (Fifty Six thousand one hundred eighty seven) vide cheque no. PNB 439620 dated 18.01.2016, for which money receipt No.256 dated 17.01.2016, was issued. Since no development/ construction of project took place, complainant prays for refund of booking amount along with interest on it. She has filed a copy of the MOU dated 27.01.2016, that was entered into with the respondent company.

Perused the records of the case. The Bench notes that the respondent company have not complied with the directions issued on the last date of hearing.

The Bench notes that Mr. Alok Kumar, Managing Director of the respondent company was present on the date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that the respondent company have themselves withdrawn their application for registration of Project “Patliputra Enclave” and the Authority has since rejected their application by its letter dated 23.06.2021.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs. 16,06,187/- 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 three years or more plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

With these directions, the matter stands disposed of.

Sd/-

Naveen Verma
(Chairman)

Sd/-

R B Sinha
(Member)

Sd/-

Nupur Banerjee
(Member)