

REAL ESTATE REGULATORY AUTHORITY (RERA),BIHAR

**Before the Double Bench of Mr. Naveen Verma, Hon'ble Chairman and
Mrs. Nupur Banerjee, Hon'ble Member**

Case No.CC/840/2019

Md. Faisal Nadeem..... Complainant

Vs.

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

Project: Agrani Residency

ORDER

25/01/2022: This matter was last heard along with the batch of cases in the Double Bench on 11/01/2022.

The complainant's case is that he had booked an apartment in project Agrani Residency by Memorandum of Understanding dated 30/09/2017 and paid Rs. 13,00,000/-. He has filed the money receipts dated 29/06/2017 for Rs 1,00,000/- , 08/04/2017 for Rs 2,00,000/- and 05/09/2017 for Rs 10,00,000/-. The complainant has requested for refund with 18% compound interest.

Perused the records. The complainant had filed an application on 26/07/2019 to transfer his booking in another RERA approved project but later sent an application dated 14/11/2019 seeking refund from the respondent. He reiterated his request for refund on the last date of hearing, that is, 11-01-2022.

The respondent has not filed any written submission. However the representative of the respondent company has been present during hearings and has not refuted the claim of payment made by the complainant.

The Bench had given certain directions to the respondent during the hearing held on 11/01/2022. The Authority directs Mr. Alok Kumar, MD of the respondent company to take immediate action to raise resources to refund the allottee.

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2017. 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 its Director to refund the principal amount of Rs. 13,00,000/- to the complainant along with interest at the rate of the marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years or more 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/-
Nupur Banerjee
(Member)