

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/918/ 2020

Dinesh Kumar

..... Complainant

Vs.

M/s Agrani Real Services Pvt. Ltd.

.....Respondent

Project: Rudra

ORDER

06.09.2021:

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 booked his apartment in that project and had deposited Rs.5 Lacs as advance on 3.12.2018. Since the work has not been started, he cancelled the booking and requested for refund of his deposited money on 19.8.2019. He has filed the money receipts.

During the course of hearing on the last date i.e. on 23.8.2021 Mr. Alok Kumar, Managing Director of the Respondent Company had submitted that after cancellation of the registered development agreement he would be able to recover Rs.13 Lacs after returning to the land owner.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company has not challenged the submission of the complainant.

The Authority notes that the application for this project which was pending for consideration was withdrawn by the promoter on 17.6.2021. 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.5.00 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 one year from the date of taking the booking within sixty days of issue of this order.

Sd/-
Naveen Verma
(Chairman)

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

