

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1451/2020

RERA/AO/448/2020

Amit Kumar Sinha

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - Sunrise City

ORDER

21.12.2022

22.12.2022

The learned counsel for the complainant, Shri Braj Kishore, had argued on behalf of the complainant. The respondent is again absent and hence, ex-parte orders are being passed.

The complainant has filed this matter against M/S Agrani Homes Pvt. Ltd. through its Director, Shri Alok Kumar for refund of Rs. 14,43,260/- paid by him on 12.10.2013 for a flat in the Project M/s Agrani Homes Pvt. Ltd.. The case of the complainant is that he entered into a MOU with the respondent on 12th October, 2013 and had paid Rs. 14,43,260/- against the consideration amount of Rs. 17,52,530/- for a flat No. 402 in Block- A of the proposed project of the respondent company. The complainant states that even after lapse of 7 years, no work

has been done nor has the promoter refunded the money after he sent application for refund. He has therefore filed the matter for refund of deposit along with interest and compensation.

The complainant has filed a copy of MOU dated 12.12.2013 and copy of receipt issued by the respondent comply.

Perused the records. The Director of the Respondent Company, Shri Alok Kumar, had appeared before the Adjudicating Officer and had assured that he would make payment but he has not filed the reply despite having been given many opportunities to do so and hence the claim of the complainant is being admitted.

The letter of cancellation, if any, sent by the complainant is not on record. Normally cases ought to be entertained by the Authority only after letter of cancellation is sent refund is not made , but since the respondent has not raised this issue, orders are being pronounced.

Taking into view the submissions made by the complainant the Authority hereby directs the respondent company through its Director Shri Alok Kumar to refund the principal amount i.e. Rs.14,43,260/- to the complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus five percent from the date of deposit till the date of refund within sixty days of issue of this order.

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

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

Sd/-
Naveen Verma
(Chairman)