

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

RERA/CC/1724/2020

RERA/AO/594/2020

Sangeeta Kumari

...Complainant

Vs.

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

Project: - Agrani IOB Nagar Block-P

ORDER

02.02.2023

This matter was last heard on 20.12.2022. The respondent has not appeared on the next date of hearing, hence the order is being passed on the basis of available documents.

The case of the complainant is that she had booked a flat in project Agrani I.O.B. Nagar in the year 2016 and had paid Rs 15.25 lakhs. The complainant has submitted that finding the progress being slow and lack of satisfactory response from the promoter, she has filed the matter for refund of principal amount along with interest and compensation.

The complainant has filed copies of the money receipts, KYC and the MOU executed by the promoter.

The Authority observes that in the M.O.U dated 25.05.2016 it is mentioned that Rs. 15.00 lacs was paid against a total consideration amount of Rs. 17.25 lacs.

This matter was filed before the Adjudicating Officer. During hearing in that court the respondent had agreed to allot an alternative plot but thereafter he did not appear.

During hearing before the Authority also, the complainant was interested for an alternative flat, but the promoter has neither appeared nor had filed any reply.

Under these circumstances, the claim of the complainant is being admitted and order for refund as per her prayer in the complaint petition is being pronounced.

The complainant ought to have sent letter for cancellation to the respondent company before approaching the Authority. However, as the matter has been taken up for hearing, the order is being passed.

Taking into view the documents filed and the submissions made by the complainant, the Authority hereby directs the respondent company and its Director Shri Alok Kumar to refund the principal amount of Rs.15.25 lacs 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 three percent from the date of taking payment till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating Officer for compensation.

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

Sd/-
Naveen Verma
(Chairman)