

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1837/2020

RERA/AO/641/2020

Smt. Archana Singh

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - Agrani Royal City Shivala

Order

26.12.2022

The matter was last heard on 22.12.2022. The learned counsel for the complainant had requested that ex-parte order may be passed, since the respondent has neither appeared nor filed any reply.

The complainant had booked a flat in the project Agrani Royal City Shivala in 2014 and against consideration amount of Rs. 13,40,170/-, she had paid Rs. 10 lacs as mentioned in the MOU signed between the parties on 23.12.2014. The complainant states that even after lapse of 8 years, neither the flat has been constructed nor the money has been refunded. She has, therefore, filed the matter for refund of deposited principal amount along with interest and compensation.

Perused the record. The matter was earlier heard by the Adjudicating Officer where the Director of Respondent Company, Sri Alok Kumar, has appeared and sought for time to file reply. However, the reply was not filed. The complainant also did not appear before the Authority when the matter has been transferred in view of the judgment of Hon'ble Supreme Court of India in the case of M/s Newtech Promoters and Anr. Vs. State of U.P. & Ors.

The complainant has filed a copy of MOU and the money receipts, issued by the respondent company which shows the amount paid by her. The claim of the complainant of depositing Rs. 10 lakh is, therefore, admitted.

Taking into view 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.10 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 four 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)