REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1875/2020

RERA/AO/673/2020

Rajesh Kumar Singh

...Complainant

Vs.

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

Project: - Shiv Dheyan

ORDER

27.12.2022 The matter was last heard on 22.12.2022 and fixed for orders on 27.12.2022.

The case of the complainant is that he had booked a flat in the project Shiv Dheyan of the Respondent company on 26.10.2018 and paid Rs. 6,00,000/- (Rs. Six lacs). Since no work has started in the project, he has filed the matter for refund of the principal amount along with interest.

The matter was filed before the Adjudicating Officer, who has transferred the same 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**.

Perused the records. The Respondent has appeared once before the Adjudicating Officer, but he has not filed any reply. Hence ex-parte orders are being pronounced.

The complainant has filed a copy of the KYC issued by the Respondent Company dated 26.10.2018 and a copy of the cheque of Rs. 6,00,000/- (Rs. Six lacs) dated 30.10.2018

issued by the complainant. On the basis of these documents, the claim of the complainant is being admitted.

It is seen from the records that the booking was made in year 2018 without the project being registered with the Authority; hence suo moto proceedings against the Respondent for violation of Section 3 of the RERA Act, 2016 may be initiated.

The complainant ought to have sent letter of cancellation to the Respondent Company before filing the complaint, however, since the matter is pending, the order has been 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.6..00 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 thee percent from the date of deposit till the date of refund within sixty days of issue of this order.

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

Sd/-Naveen Verma (Chairman)