

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Members**

Case No. CC/1512/2020

Prabhat Ranjan.....Complainant

Vs.

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

PROJECT: - PG Town

ORDER

12-04-2022

13-04-2022 This matter was last heard before Double Bench on 23.02.2022.

The case of the complainant is that he had booked a flat in “Agrani PG Town” Sarari at Danapur in the year 2014 and had paid total amount of Rs.9,29,040/- through cheque . He further submitted that respondent has neither executed the Agreement for Sale nor returned the deposited money till date. He also submitted that a legal notice was also sent through lawyer on 08-01-2020 but no reply to that has been made by the respondent till date. Therefore, the complainant has filed the present case seeking relief to direct the respondent to immediately hand over the flat after receiving the due payment or refund amount with interest.

The complainant has placed on record money receipts dated 16-07-2014 for Rs.3 lakh, dated 15-12-2015 for Rs.3,10,500/-& dated 31-05-2015 for Rs.3,18,540/-, totalling to Rs.9,29,040/-

,issued by respondent company in respect to payments made. Further, the complainant has placed on record legal notice dated 08-01-2020.

The respondent has not filed any specific reply in this case. However, Mr. Alok Kumar, Managing Director of the respondent company along with learned counsel Mr. Prabhakar Nath Rai and Mr. Satwik Singh, Legal Representative was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted. During the last hearing on 23-02-2022, learned counsel for complainant submitted that he is not interested in the offers proposed by the respondent and further prayed for refund of money along with the interest.

The learned counsel for the respondent during the course of last hearing has agreed that the matter may be fixed for orders.

The Bench recalls that on the last hearing a penalty of Rs.10,000/- was imposed upon the respondent, however, it seems that penalty amount has not been deposited by the respondent and same shall be recoverable as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21- Rule -30 of the Code of Civil Procedure, 1908.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the amount of Rs. 9,29,040/- deposited 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 two years from the date of taking the booking within sixty days of issue of this order.

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

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)