

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/103/2021

Avinash Dhari

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: P G Town

ORDER

17.05.2022

This matter was heard on 21.04.2022 and 17.5.2022.

The case of the complainant is that he had booked a flat bearing no 502, 5th floor, having an area 1200 + 500 Sq. Ft. in the project BOB City on 28.10.2016 for a total consideration of Rs.12,00,000. He had paid Rs.10,45,000 and a memorandum of understanding dated 28.10.2016 was executed between the both parties. Since the construction/development of the project had not started the complainant has sent a letter dated 16.10.2018 for transfer his booking amount from BOB City to P G Town, which was duly acknowledged by the respondent and accordingly a fresh memorandum of understating dated 05.01.2019 was executed between the both parties for a total consideration of Rs.14,00,000 against which he had paid total Rs.12,69,000 and development of the said flat was to be completed within an estimated period of 48 months, with relaxation period of 6 months but still project is not completed by the respondent company. He further submitted that since the respondent failed to start the construction as per the commitment given by them, he sent an application for cancellation of booking and requested for refund along with interest. This was duly acknowledged by the respondent on 08.11.2019 but since no refund was initiated this matter has been filed for refund of booking amount along with interest.

The complainant has placed on record copy memorandum of understanding dated 28.10.2016 and 16.10.2018, copy of application for cancellation dated 08.11.2019, copy of letter dated 16.10.2018, copy of receipts amount of Rs.12,69,000, copy of cheques, copy of KYC and copy of summary chart.

On last date of hearing the complainant reiterated his prayer and submitted that he is not interested in any offer of alternative plot and flat. The Bench observed that the respondent has filed a time petition, and directed the respondent to file reply if they have any objection.

Perused the record. The Bench notes that the respondent has not filed any reply.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs. 12,69,000 lacs 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 three years plus two percent 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/-
Naveen Verma
(Chairman)