

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/1079/2021

Shyam Kishore Prasad

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Nagar, Block - P

18-10-2022

ORDER

This matter was last heard on 30.08.2022

In this matter the complainant booked a flat in the project IOB Nagar block P in 2013 and had paid Rs. 16,49,440/- out of the total consideration of Rs. 18,55,620/-. The complainant has filed the complaint case as the respondent failed to construct the project. The complaint has been filed for refund with 18% interest and compensation.

The complainant has placed on record copy of MOU and money receipts.

Perused the records. No reply has been filed by the respondent. The representative for the respondent was present on the last date of hearing and has not challenged the contention of the complainant.

On last date of hearing the learned counsel for the complainant has reiterated the complaint petition and prayed for refund with interest.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication.

However, since the matter has already been heard, orders are being pronounced.

After considering the documents filed and submission made, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 16,49,440/- to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State bank of India as applicable for three years plus 5% from the date of taking booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press his claim before the Adjudicating Officer for compensation.

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

Sd/-
Nupur Banerjee
(Member)