

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman & Mrs. Nupur
Banerjee, Member

Case No: RERA/CC/1532/2020

Nitesh Kumar

...Complainant

Vs.

M/s. Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: PG Town

Present: For Complainant: In-person

For Respondent: Adv. P.N. Rai

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 booked flat no. 604 in project - PG Town having area of 1626 sq. ft. by making total payment of Rs.19,50,00/- (nineteen lakh fifty thousand Only). Since there was no development/construction of the project, the complainant requested for refund and since this was not paid, he has filed this case for refund of booking amount along with interest and compensation.

The complainant has placed on record KYC, application form dated 23/05/2018, M.O.U. dated 15/04/2019, money receipt bearing no. 3042 for Rs. 5,00,000/-, receipt no. 3043 for Rs. 20,000/-, receipt no. 3044 for Rs. 20,000/-, receipt no. 3045 for Rs. 50,000/-, receipt no. 3046 for Rs. 10,000/-, receipt no. 3047 for Rs. 2,00,000/-, receipt no. 3105 for Rs. 1,50,000/-, receipt no. 3281 for Rs. 1,00,000/-

, receipt no. 3456 for Rs. 1,00,000/-, receipt no. 3457 for Rs. 50,000/-, receipt no. 2725 for Rs. 10,00,000/- of the project Crystal Avenue, letter dated 19/02/2019, mentioning that Rs. 7,50,000/- of project Crystal Avenue has been adjusted in project P.G. Town and Rs. 2,50,000/- has been refunded to the complainant.

No reply has been filed by the respondent. The respondent appeared on the last date of hearing and has not challenged the prayer of the complaint case, but rather submitted that the complainant is not interested in the offer of alternative flat/plot made by him. The learned counsel for the complainant of prayed for refund of the deposited amount along with interest.

It is also apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo Motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

Having heard the submissions of both the parties the bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.19,50,000/- 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 till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating Officer under relevant sections of the Act to press his claims, which are in the nature of compensation from the respondent company.

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

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)