

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

**Case No: RERA/CC/1676/2020**

**Asha Verma**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: IOB Nagar, Block P**

**17.05.2022**

**ORDER**

This matter was last heard on 12.05.2022

In this matter filed under section 31 of the Real Estate (Regulation and Development) Act, 2016, the allottee states that she had booked a flat bearing no 403 with built up area 1300 Sq. Ft in the project IOB Nagar, Block P for a total consideration of Rs.17,50,000/-. She had paid Rs.15,50,000/- and a Memorandum of Understanding was executed on 11.08.2017 wherein it was mentioned that the said flat would be completed within 36 months with a relaxation period of six months. However, the promoter did not hand over possession of the flat. Hence, the complainant has been filed this complaint for refund of principal amount along with interest.

The allottee has placed on record copy of memorandum of understanding dated 11.08.2017, copy of KYC, copy of receipt total amount of Rs. 15,50,000, copy of development agreement dated 13.02.2013, copy of letter to State Fire Office for N.O.C of the proposed project dated 24.03.2017.

On the last date of hearing, the complainant reiterated her request for refund as she was not interested in any offer proposed by the respondent. The legal representative of respondent company had not refuted the contention of the complainant and had stated that the matter may be posted for order.

It is apparent from the record that notwithstanding the fact that the project was not registered, the promoter went ahead with new booking in 2017. This appears to be in violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. This matter may be included in the suo motu proceedings against the respondent under section 59 of the Real Estate (Regulation and Development) Act, 2016.

Having heard the submission of both the parties the Bench hereby directs the respondent company and their Director to refund the principal amount of Rs.15,50,000/- 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 three years plus one percent from the date of taking the booking to 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)