

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

**Case No: RERA/CC/292/2019**

**Om Prakash Narayan Singh**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: CRYSTAL AVENUE**

**ORDER**

**12-05-2022**

This matter was last listed before the Double Bench on 07-04-2022.

This matter has been heard earlier and is pending for quite some time and hence ex-parte orders are being pronounced.

The case of the complainant is that he booked Plot no. E1, admeasuring 2200sq.ft of the project Crystal Avenue and paid a consideration of Rs. 9,62,501/-. The complainant has prayed for refund of booking amount along with 24% interest and additional penalties.

The complainant has placed on record copy of projected allotment letter, KYC on the name of complainant for project Khagaul city, money receipt no: 2718 for Rs. 1,00,001/- against cheque no. 884563, receipt no. 2723 for Rs. 8,62,500/- against D.D dated 23-02-2018.

Perused the record. The respondent has filed reply stating therein that the respondent is ready to refund the consideration within 4 months but the assured time period has lapsed.

On several occasions, the Director and Legal Representative of the respondent appeared before the Bench and have not refuted the submissions of the complainant.

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 fresh bookings in 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.

The Bench observes that a cost of Rs. 10,000/- was imposed upon the respondent for non-appearance before the Bench by hearing dated 19/10/2019. The Bench directs the respondent to pay the cost within 30 days.

The Bench observes that some complainants had received certain amounts after intervention by the Authority, but in the absence of the complainant, the outstanding amount is not known.

After considering the documents filed by both the parties and submissions made by the respondent, the Authority directs the respondent company and their Directors to refund the outstanding principal amount 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 press the claim for compensation before the Adjudicating officer under relevant sections of the Act.

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

Sd/-

**Nupur Banerjee**  
(Member)

Sd/-

**Naveen Verma**  
(Chairman)