

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

Case No. RERA/CC/590/2021

Nitesh Kumar

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - Prakriti Vihar

ORDER

28.07.2022

The matter was last heard on 21.07.2022.

The case of the complainant is that he had booked plot bearing no: B-67, admeasuring 1200 sq. ft. in the project. The complainant has stated that he has paid Rs. 7,10,000/- to the respondent but since they have failed to hand over the plot, this complaint case has been filed for refund of paid consideration with interest.

Perused the record. The complainant has placed on record money receipts and KYC, duly acknowledge and issued by the respondent company.

The respondent has filed reply stating therein that the Authority has barred the respondent from executing any conveyance deed due to which they have not been able to complete construction work of the project.

The Authority observes that the promoter could have gone ahead with the development of plots as mentioned in the agreement to sale, if their intention was to complete the project. It notes that the order regarding non-execution of conveyance deed was passed because of the conduct of the Directors of the respondent company in the numerous complaint cases filed against them , in some of which even after taking full consideration from the allottees, the promoter had not even started construction. In any case, this plea has no relevance in the present case because the complainant has prayed for refund of his

paid consideration and not for executing conveyance deed.

On the last date of hearing, the complainant reiterated his prayer for refund.

The representative of the respondent has not challenged the submissions of the complainant.

The Bench notes that on the last hearing direction was given to complainant to send a cancellation letter to respondent and file a copy of same but the same was not filed. The Bench observes that the allottee has to send 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 and the representative of the respondent was present on the last date of hearing and has not challenged the claim of complainant hence, order is being pronounced.

After considering the documents filed and submissions made by both the parties, the Bench hereby directs the respondent company and their Directors to refund the paid consideration i.e. Rs. 7,10,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-
Nupur Banerjee
(Member)