

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

Case No: RERA/CC/686/2021

Amrendra Kumar Chaudhary **...Complainant**

Vs.

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

Project: IOCL Nagar

17-10-2022

ORDER

This matter was last heard on 29.08.2022

In this matter the complainant booked a flat bearing no. 301 in the project IOCL Nagar Block D on 01/04/2019 and had paid Rs. 15,75,000/-. The complainant has filed the complaint case as the respondent failed to construct the project. The complaint has been filed for refund of the paid amount along with interest and compensation.

The complainant has placed on record copy of money receipts and copy of KYC dated 01/04/2019.

Perused the record. 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 daughter of the complainant has reiterated his prayer.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent booked the flat without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company.

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.

Having heard the submissions, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 15,75,000/- 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 two years 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 their claim of compensation before the Adjudicating Officer.

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

Sd/-
Nupur Banerjee
(Member)