

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

Case No: RERA/CC/894/2021

Kumar Ashish and Gunjan Devi **...Complainant**

Vs.

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

Project: Agrani Ashoka

14-11-2022

ORDER

This matter was last heard on 26.09.2022

The case of the complainant is that complainant booked a flat bearing no. 206 in 2019 for which she has paid Rs. 2,75,000/- out of the total consideration of Rs. 25,82,000/-. The complainant has filed the complaint case as the respondent failed to construct the project. The complainant has prayed for possession with penalty.

The complainant has placed on record copy of M.O.U. dated 23-11-2019, KYC dated 15-03-2019 and money receipts.

Perused the records. No reply has been filed by the respondent.

During the hearing, the complainant requested for refund. The representative of the respondent proposed alternate offer to the complainant but the complainant reiterated for refund with interest.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots 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.

After considering the documents filed and submission made, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 2,75,000/- 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 the claim for compensation before the court of A.O. as per the provisions of the Act.

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

Sd/-
Nupur Banerjee
(Member)