

**REAL ESTATE REGULATORY AUTHORITY (RERA),
BIHAR**

Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/931/2021

Dur-e-Shahwar Begum

...Complainant

Vs.

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

Project: Agrani Yamuna Enclave

10-11-2022

ORDER

This matter was last heard on 27.09.2022

The case of the complainant is that complainant booked a flat bearing no. 301 in 2014 for which she has paid Rs. 18,61,800/- out of the total consideration of Rs. 20,00,000/-. The complainant has filed the complaint case as the respondent failed to construct the project. The complainant has prayed for refund of the paid amount with interest and compensation.

The complainant has placed on record copy of KYC dated 20-09-2014, M.O.U. dated 11-12-2015 and money receipts.

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

On the last date of hearing the representative of the complainant reiterated the complaint petition and requested for refund.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench therefore, orders are being passed on the basis of documents available on record.

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.

The Bench recalls that a penalty of Rs. 25,000/- was imposed on the respondent on hearing dated 27-09-2022, the Bench directs the respondent to pay the said penalty amount within 15days.

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. 18,61,000/- 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 three years plus 4% from the date of taking 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)