

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Before the Bench of Mrs. Nupur Banerjee, Member**

**Case No. RERA/CC/429/2019**

**Ankita Kumari**

**...Complainant**

**Vs.**

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

**....Respondent**

**Project: Agrani Shivdhyan**

**22-08-2022**

**ORDER**

This matter was last heard on 04.07.2022.

The case of complainant is that she booked a 3 BHK flat bearing Flat no. 301 in the proposed project "Shivdhyan" of respondent company and deposited Rs. 5,00,000/- (Five Lakh Only) as an advance through cheque. Since there was no development/construction of project, the complainant on various occasions written letter to authorized representatives but the amount has been not refunded. Therefore, complainant has prayed for refund of booking amount along with interest and compensation.

On 04-07-2022, complainant has filed a supplementary affidavit and brought From M on record addressing to Authority and also placed other documents.

On perusal of documents as filed by complainant it appears that the complainant has paid Rs. 4,00,000/- vide cheque no. Union Bank of India 027589 dated 8.05.2018, and Rs. 1,00,000/- vide cheque no. Union Bank of India 027590 dated 11.06.2018 to respondent company. Further, the complainant has placed on record legal notice dated 14-02-2019.

Perused the records of the case. No reply has been filed by respondent company. However, Mr. Satwik Singh, Legal Representative of the respondent company was present during the course of hearing and has not challenged the submission of the complainant and the facts are being admitted.

On the last date of hearing, dated 04.07.2022, learned counsel for the complainant reiterated his prayer for refund.

No one appears on behalf of the respondent.

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 takes the note of complainant supplementary affidavit filed amending form from N to M, addressing to Authority.

Having heard the submission of both the parties and perusal of documents placed and considering the prayer of complainant for refund, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs. 5,00,000/- 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 plus two percent from the date of taking the booking within sixty days of issue of this order.

The complainant is at liberty to press the claim for compensation before the A.O.

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

**Sd/-**  
**Nupur Banerjee**  
(Member)