

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

**Before the Single Bench of Mrs. Nupur Banerjee**

**Case No. RERA/CC/595/2021**

**Abhishek Kumar**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: - Prakriti Vihar**

**ORDER**

**05.08.2022**

The matter was last heard on 21.07.2022.

The case of the complainant is that he had booked plot bearing no: 404, admeasuring 2200 sq. ft. in the project Prakriti Vihar. The complainant has stated that he has paid Rs. 2,21,000/- to the respondent out of total consideration of Rs.11,38,500/- but since they have failed to hand over the plot, this complaint case has been filed for refund of paid consideration with interest.

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

Perused the records. No reply has been filed by the respondent. However their representative has been present on the last date of hearing and have not refuted the claim.

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

The representative of the respondent company has submitted that complainant has not sent the cancellation letter.

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. 2,21,000/- 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)**