

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Mrs. Nupur Banerjee, Hon'ble Member
Case No. RERA/CC/1499/2020**

Mishi Kant Sharma.....Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

Project: IOB Nagar, Block N

For Complainant: Mr. Vishal Anand, Advocate

For Respondent : Mr. Sumit Kumar, Advocate

ORDER

19.07.2022

This matter was heard on 16.06.2022.

The case of the complainant is that he booked a flat having an area of 1300 sq. ft. in the year 2016, of the proposed project "IOB Nagar Block N". He deposited Rs.13 lakh (Rupees Thirteen Lakh Only) as an advance through cheque. The total amount of consideration to be paid was Rs.18,00,000/- (Rupees Eighteen Lakh Only). The complainant submitted that since the respondent has promised to hand over the flat by 2020 but has not handed over the flat within stipulated time and also the project has not approved by the RERA and even by PMC and on contact to respondent, they had not given any response, he filed this matter for the refund of the principal amount along with interest.

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

Perused the records of the case. No reply has been filed by respondent company. However, Mr. Sumit Kumar, learned counsel on the behalf of the respondent company was present on last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

During the last hearing on 16-06-2022, learned counsel for the complainant has submitted that the complainant had booked a flat in 2018 and out of total consideration money of Rs.16 lakhs, he paid 13 lakhs but there is no progress in the project. He wants refund of the money with interest.

Learned counsel for the respondent has submitted that the complainant was given offer but he is not interested in the offer.

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.

After perusing the records and hearing the submissions of both the parties, the Authority directs the respondent and their Directors to refund the principal amount of Rs.13 lakh 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 threeyears or more plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

With these directions, the matter stands disposed of.

Sd/-

Nupur Banerjee
(Member)