

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman &

Mrs. Nupur Banerjee, Member

Case No: RERA/CC/302/2019

Rajesh Kumar

...Complainant

Vs.

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

...Respondent

Project: PG Town

Present: For Complainant: In Person

For Respondent: Adv. Sumit kumar

Mr. Alok Kumar, M.D.

ORDER

05.04.2022

08.04.2022

This matter was last heard before Double Bench on 22.02.2022.

The case of the complainant is that he booked shop/office bearing no:- F4 at 1st floor of PG Town having area of 443 sq.ft. by making total payment of Rs.11,42,453 (Eleven Lakh Forty Two Thousand Four Hundred and Fifty Three). Since there was no development /construction of the project, the complainant applied for cancellation of the shop/office and requested for refund which was duly received by the respondent company on 02.11.2018. Since full payment was not made the allottee has prayed for refund of booking amount along with interest.

The complainant has placed on record a copy cheque bearing no 081481 of Rs.6,13,538 for receipt 6380 dated: 09.03.2018 and cheque bearing no 240951 of Rs.2,00,000, cheque bearing no 240952 of Rs. 1,28,915 and cheque no 240950 of Rs. 2,00,000 for which receipt no 6182 dated 05.12.2017 issued by the respondent company, a copy of MOU dated 05.12.2017, copy of cancellation letter dated 02.11.2018, Copy of payment schedule of Mr.Rajesh Kumar (Complainant) issued by the respondent company dated 05.11.2018 showing total amount Rs.11,42,453 paid to respondent company.

On the last date of hearing, the learned counsel of the complainant submitted that the complainant paid Rs. 11,42,000/- out of which Rs.6,00,000 has been refunded by the respondent company. The learned counsel further prays for refund of the remaining amount i.e. Rs.5,42,000/- along with interest.

Perused the record. Neither any reply has been filed by the respondent nor has he refuted the submission of the complainant, although the Director of the company was present and hence the claim is being admitted.

It is also apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with fresh bookings in violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo Motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

Having heard the submissions the Authority directs the respondent company and their Directors to refund the principal amount of Rs.5,42,000/- 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 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)

Sd/-

Naveen Verma
(Chairman)