

REAL ESTATE REGULATORY AUTHORITY, BIHAR

2 nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10, Patna -800023

Hearing before the Double Bench of Hon'ble Chairman, Mr. Naveen Verma, &
Hon'ble Member, Mrs. Nupur Banerjee

Case No.:-RERA/CC/1824/2020

Jyotsna.....Complainant

Vs

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

Project: Agrani PG Town- Block A

04.02.2022

ORDER

This matter was last heard on 20.01.2022.

The case of the complainant is that she booked a 3BHK flat in Agrani Crystal Avenue in year 2018 and paid Rs.7,28,000(Seven Lakh Twenty Eight Thousand) through account payee cheque. Due to some issues the booking along with paid amount in the project Agrani Crystal Avenue was transferred to Agrani P.G. Town. M.O.U agreement for flat no. 106 (3BHK flat) having super built up area 1300 sq.ft was signed on 13.09.2019.and further paid Rs.9,52,000(Nine Lakh Fifty Two Thousand). In total the complainant has paid Rs.16,80,000 (Sixteen Lakh Eighty Thousand) against total consideration of flat Rs.17,00,000(Seventeen Lakh Only) the details of as follows:-**Rs.1,00,000** vide cheque no. SBI_926143 for which money receipt no. 3300 dated 27.08.2018 was issued. **Rs.4,50,000** vide cheque no. SBI_366861 for which money receipt no. 3489 dated 29.10.2018 was issued, **Rs.2,00,000** vide cheque no. SBI_926142 for which money receipt no. 3266 dated 09.08.2018 was issued, **Rs.1,72,000** vide cheque no.

SBI_926144 for which money receipt no. 3352 dated 18.09.2018 was issued, **Rs.30,000** vide cheque no. SBI_926145 for which money receipt no. 3501 dated 30.10.2018 was issued, **Rs.1,25,000** vide cheque no. SBI_926139 for which money receipt no. 2839 dated 24.02.2018 was issued, **Rs.2,00,000** vide cheque no. SBI_926138 for which money receipt no. 2816 dated 12.02.2018 was issued, **Rs.1,00,000** vide cheque no. BOB_000016 for which money receipt no. 2841 dated 24.02.2018 was issued, **Rs.1,25,000** vide cheque no. SBI_926141 for which money receipt no. 2840 dated 24.02.2018 was issued, **Rs.78,000** vide cheque no. SBI_459712 for which money receipt no. 2865 dated 14.03.2018 was issued, **Rs.1,00,000** vide cheque no. SBI_459711 for which money receipt no. 2850 dated 28.02.2018 was issued. As there was no development in the project the complainant filed an application for cancellation of booking on 22.06.2020 and even after filing for cancellation the respondent company did not refund the money. Hence the complainant has filed the case seeking relief for refund of the amount paid along with interest.

The complainant has placed on record copy of cancellation letter dated 22.06.2020, copy of receipt bearing no.3300 dated 27.08.2018, 3489 dated 29.10.2018, 3266 dated 09.08.2018, 3352 dated 18.09.2018, 3501 dated 30.10.2018, 2839 dated 24.02.2018, 2816 dated 12.02.2018, 2841 dated 24.02.2018, 2840 dated 24.02.2018, 2865 dated 14.03.2018, and 2850 dated 28.02.2018, copy of Aadhar Card, copy of KYC dated 9.08.2018. and copy of cheque bearing no. SBI_926143, SBI_366861, SBI_926142, SBI_926144, SBI_926145, SBI_926139, SBI_926138, BOB_000016, SBI_926141, SBI_459712 and SBI_459711.

No rejoinder has been filed by the respondent. However, on the last date of hearing, the respondent submitted that he is ready to refund the amount paid by the complainant. During the last hearing on 20-01-2022, complainant present in person had submitted that she booked flat in 2019 and paid Rs 16.80 lakh to the respondent. She further prayed for refund of her deposited money with interest.

The Bench 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 for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016. The Bench also observes that the application of registration of Project "PG Town" has been rejected by the Authority by order dated 02.09.2021.

Having heard the submissions of both the parties, the Bench hereby directs the Respondent Company and its Directors to refund the amount of Rs. 16,80,000/- to the complainant along with interest at the rate of Marginal cost of lending rate (MCLR) as applicable for two years from the date of deposit to the date of refund within sixty days of issue of this order.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)