

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member

Case No. CC/668/2019

Asmita Kumari.....Complainant

Vs

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

Project: Agrani Crystal Avenue

ORDER

12-05-2022

This matter was last heard on 07-04-2022 before the Double Bench. The present complainant had been filed under section 31 of the Real Estate (Regulation and Development) Act, 2016.

The complainant booked a plot of 1000 sq.ft. bearing plot no. B11, in the project Agrani Crystal Avenue, situated at Koatwan Village, P.S.- Rupaspur, Patna with the respondent company for a total consideration of Rs. 20 lakh. The complainant submits that she had paid Rs.6 lakh for booking after which she approached the respondent several times for execution of Agreement for Sale but no affirmative response was received. Thereafter she had given application for the cancellation of the booking and requested for the refund of the deposited amount but no refund has been given by the respondent till date. Therefore, the present complainant has been filed for seeking relief to return of the deposited money along with interest.

The complainant has placed on record money receipts dated 19-03-2018 for Rs.4 lakh & dated 09-10-2018 for Rs.2 lakh, totaling to Rs.6 lakh in respect to payments made to respondent. Further,

the complainant has placed on record legal notice dated 17-09-2019 and KYC form bearing no.943.

The respondent has not filed any specific reply in this case. However, Mr. Satwik Singh, Legal Representative of the respondent company was present on the last date of hearing and have not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent has booked apartments 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 observes that no reply has been filed despite the direction given on the last hearing to the respondent company to file their reply.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.6 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 two years from the date of taking the booking within sixty days of issue of this order.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)