

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman,
Mrs. Nupur Banerjee, Members**

Case No. RERA/CC/123/2021

Smt. Nirupa Kumari..... Complainant

Vs.

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

Project: Yamuna Enclave

Present:	For Complainant:	In person
	For Respondent:	Mr. Sumit Kumar, Adv & Mr. Satwik Singh, Legal Representative

26.04.2022

ORDER

This matter was heard along with the batch cases before the double bench on 05.04.2022.

The case of the complainant is that she booked a flat No.105, having an area of 840 sq. ft. in the year 2018, of the proposed project “Yamuna Enclave”. She deposited Rs.7,50,000/- (Rupees Seven Lakh Fifty thousand Only) as an advance through cheque. The total amount of consideration to be paid was Rs.25,68,000/- (Rupees Twenty-Five Lakh Sixty-Eight thousand Only). The complainant submitted that since the respondent company did not honour their assurance of handing over the flat she filed this matter for cancellation of flat and refund of the principal amount along with interest.

She has filed money receipt no. 3399 and 3681 and Bank Statement of HDFC Bank. The complainant has paid Rs.6,00,000/- (Rupees Six Lakh) vide cheque no. 173241 dated 25.09.2018 for which money receipt no.3399 dated 06.10.2018 was issued, Rs.1,00,000/- (Rupees One Lakh) vide cheque no. 291909 dated 18.01.19 for which money receipt no.3681 dated 19.01.2019 was issued and Rs.50,000/- (Rupees Fifty thousand) vide cheque no. 800240020 dated 27.11.19.

Perused the records of the case. No reply has been filed by respondent company. However, Mr. Sumit Kumar Learned Counsel of the respondent company and Mr. Satwik Singh, Legal Representative of the respondent company was present on last date of hearing and have not challenged the submission of the complainant and the facts are being admitted.

The Authority, takes note of the submissions and documents filed by the complainant and observes that she ought to have sent a letter for cancellation directly to the respondent and approach the Bench only if the refund was not made. The prayer for direction for cancellation of booking is not an acceptable practice.

However, in the absence of any reply by the respondent, the Authority directs the respondent and their Directors to refund the principal amount of Rs.7,50,000/- 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 to the date of refund within sixty days of issue of this order.

With these observations and directions, the matter stands disposed of.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)