

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

**Mrs.Nupur Banerjee, Member**

**Case No: RERA/CC/1246/2020**

**Manoj Kumar Gupta**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: PG Town Block F**

**ORDER**

**22.02.2022**

This matter was last heard before Double Bench on 25.01.2022.

The case of the complainant is that he booked flat no. 305 in Block F of PG Town having area of 1300 sq.ft. by making total payment of Rs.2,00,000 (Two Lakh Only). Since there was no development /construction of the project, the complainant applied for cancellation of the flat and requested for refund which was duly received by the respondent company on 23.07.2019. However, as the process of refund was not initiated by the respondent company, the complainant has prayed for refund of booking amount along with interest.

The complainant has placed on record a copy receipt bearing no.4033 for Rs. 2,00,000/-issued on 18.07.2019 and a cancellation letter dated 23.07.2019.

Reply has not been filed by the respondent. However, Mr. Alok Kumar, M.D of the respondent company who was

present during hearing, submitted that he would approach the allottees with an alternative proposal of land/flat and if they want refund, he would submit the plan for refund.

The complainant reiterated his request for refund of the deposited amount with interest.

It is apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2019. This is a blatant 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 of both the parties the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.2,00,000/- 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.

Sd/-

**Nupur Banerjee**  
(Member)

Sd/-

**Naveen Verma**  
(Chairman)