

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Single Bench of Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/1727/2020**

**Lakhendra Acharya**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: SBI Nagar**

**12/06/2024**

**ORDER**

The matter was last heard on 14.05.2024, when the daughter of the complainant was present and the respondent was absent.

In short, the case of the complainant is that the complainant had applied for a flat bearing Flat No.101, Block-D having an area of 1300 sq.ft. in the project SBI Nagar on 27.02.2016 and paid Rs.10,14,500/- through cheques . It was assured by the Secretary to handover the flat after construction by the year 2018 but neither the flat was constructed on the plot nor the amount was returned to the complainant. It is stated that several reminders were sent to the respondent but false assurance was given by the Secretary. Therefore, the complainant has prayed to direct the respondent to refund the principal amount of Rs.10,14,500/- with interest.

The complainant has placed on record the copy of the KYC and the money receipts.

Perused the record. No reply has been filed by the respondent.

On the last date of hearing the complainant reiterated his submissions as made in the complaint petition and has prayed for refund of the amount with interest. In this connection the cancellation letter is still not received.

The Authority ought to have approached only after the promoter fails to respond to any communication regarding refund after cancellation. However, since the matter has already been heard and despite several opportunities the respondent failed to appear before the Bench so, in the interest of justice, order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the amount paid by the complainant in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.10,14,500/- to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of 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**