

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman

& Mrs. Nupur Banerjee, Member

Case No. CC/576/2019

Vinod Kumar.....Complainant

Vs

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

Project: Agrani Sunshine Enclave

Present: For Complainant: Mr. Aryan Sinha (Advocate)

For Respondent: Mr. Alok Kumar (Managing Director)

ORDER

19-05-2022

The matter was last heard on 11.05.2022 inadvertently by the Single Bench while the matter was already posted for orders after hearing concluded before the Double Bench in February 2022. Hence orders are being pronounced by the Double Bench.

The case of the complainant is that he booked a flat in the project Agrani Sunshine Enclave for consideration amount of Rs.16,56,600 /- against which he paid Rs.14,00,000/- (Rupees Fourteen lakh only) and executed a memorandum of understanding on 30.09.2016 with the respondent. However, due to fraudulent act of respondent, the complainant sent a letter on 01.09.2017 to the respondent for a refund of the deposited amount, but no response was received. Further a legal notice was sent to the respondent. However, after that the respondent refunded Rs.7,00,000. Since the respondent has failed to hand over the possession of the flat the complainant has filed the present case praying for refund of

remaining principal amount along with interest and compensation for the mental harassment and agony.

On the last date of the hearing, the learned counsel for the complainant has reiterated his prayer. The representative of the respondent stated that the complainant is not interested in any offer of alternative flat or plot and assured that the remaining amount would be returned within two months.

Having heard the submission of both the parties the Bench hereby directs the respondent company and their Director to refund the principal amount of Rs. 7,00,000/- to the complainant along with interest at the rate of the marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

So far as the claim of compensation is concerned, the complainant is at liberty to press his claim before the court of Adjudicating Officer.

With these directions, the matter is disposed of.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)