

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/CC/369/2021

Murari Prasad Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: IOB Nagar, Block L

15.07.2021

30.11.2021

ORDER

This matter was last heard along with the batch cases before the Full Bench on 29.06.2021.

The case of the complainant is that he booked two flats bearing flat No. 401 & 606, having a super built up area of 1300 sq. ft. each in the year 2013, in block – L of the proposed project “IOB Nagar” of the respondent company and deposited Rs.18,55,620/- for flat No.401 & Rs.17,52,530/- for flat No. 606. For flat no.401, complainant has paid consideration amount of Rs.5,00,000/- (Five Lakh) vide cheque no.280151 dated 16.05.2013, and Rs.13,55,620/- (Thirteen Lakh Fifty-five Thousand six hundred twenty) vide cheque no. 280153 dated 24.05.2013, for which money receipt dated 16.05.2013 was issued by the respondent company. For flat no.606, complainant has paid Rs.4,50,000/- vide cheque no.070647 dated 10.01.2014, Rs.4,52,530/- vide cheque no.070648 dated 10.01.2014, Rs.4,50,000/- vide cheque no.023042 dated 10.01.2014, and Rs.4,00,000/- vide cheque no.000012 dated 10.01.2014 for which money receipt no. 343 dated 17.01.2014 was issued by the respondent company. Since no development/construction of project took place, complainant prays for refund of booking amount along with interest on it. He has filed copies of both the MOU that was entered into with the respondent company.

Perused the records of the case. No rejoinder has been filed by the respondent. However, the Director of the respondent

company along with his learned counsel was present on the last date of hearing and have not challenged the submission of the complainant. MrAlok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Bench notes that the application of the respondent for Registration of his real estate project “IOB Nagar” was rejected through letter dated 06.09.21.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.36,08,150/- to the complainant along with the interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years or more plus two percent from the date of taking the booking amount to the date of refund within sixty days of the issue of this order. The complainant is at liberty to approach the Adjudicating Officer for his claim of compensation.

With these directions, the matter stands disposed of.

Sd/-

Naveen Verma
(Chairman)

Sd/-

R B Sinha
(Member)

Sd/-

Nupur Banerjee
(Member)