

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman,
and Mrs. Nupur Banerjee, Member

Case No. RERA/CC/332/2021

Aditya Ranjan Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: Daffodil City - Block F

ORDER

28-07-2022

The matter was last heard before the Double Bench along with batch cases on 24.02.2022 and was posted for order on 13.04.2022. However, the order could not be passed due to pre-occupation of Bench in other matters and therefore is being passed on this day.

The case of the complainant is that he booked a flat no 402 in Block F in the year 2018 in the project in question having an area of 1020 sq ft for a total consideration of Rs.31,05,000/-. The complainant deposited an amount of Rs. 51,001/- on 30.04.2018 in favour of the respondent company in the bank account bearing No. 33945883792 of State Bank of India against which money receipt number-2980 was issued to the complainant. Thereafter, as stated, the complainant deposited a sum of Rs 2 lakhs on 29.05.2018 against which a money receipt was issued by the respondent company. The complainant has alleged that the respondent company failed to execute any agreement but assured the complainant that the possession of the flat would be delivered soon. It has been stated that as there was no progress in the construction of the project, the complaint has been filed seeking refund of Rs. 2,51,000/- with 12 % interest along with a compensation of Rs, 5,00,000/- and interim compensation of Rs. 100000/-.

Perused the records. The respondent has not filed any written reply. However, Mr. Satwik Singh, legal representative of the respondent company and his learned counsel both were present during the hearing and have not challenged the contention of the complainant and the facts are being admitted.

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 the year 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. This matter may be included in the suo motu proceedings against the respondent under section 59 of the Real Estate (Regulation and Development) Act, 2016.

During the course of hearing, the respondent company orally submitted that they had sent the petition regarding the offer through email to the complainant. The Bench notes that the complainant is not interested in any offer of the respondent company and has reiterated his request for refund of money with interest.

The Bench recalls that the application of registration of Project titled name "Daffodils City" has been rejected by the Authority by its letter dated 27.8.2021.

In the light of aforesaid facts and circumstances and submissions advanced, the Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs.2,51,000/- along with interest calculated on it at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of deposit to the date of refund within 60 days from the date of issue of order.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)