

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/354/2019

Dinesh Prasad Gupta..... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: Impulse Enclave

27.09.2021

03.12.2021

ORDER

This matter was last heard along with the batch cases before the full bench on 06.09.2021.

The case of the complainant is that he booked a flat No.203, having a super built up area of 1320 sq. ft. in the year 2013, in Block B of the proposed project "Impulse Enclave" of the respondent company and deposited Rs.17,52,530/- (Rupees Seventeen Lakh Fifty-two thousand Five hundred thirty Only) through cheque. The total amount of consideration to be paid was Rs. 17,52,530/- The complainant has paid Rs.6,00,000/- (Rupees Six Lakhs) vide cheque no. BOI 000007 dated 15.07.2013, for which money receipt no.701 dated 14.07.2013 was issued and Rs.11,52,530/- (Eleven Lakhs Fifty-two thousand Five hundred thirty) vide cheque no. BOI 000008 dated 15.09.2013, for which money receipt No.354 dated 25.01.2014, was issued. The complainant submitted that since then no development/ construction of project took place he applied for cancellation of flat which was accepted by the respondent company. He has filed a copy of MOU dated 18.12.2013, that was entered into with the respondent company.

The Bench notes that on the last date of hearing Learned Counsel for the complainant had submitted that he got refund of Rs.5,00,000/- (Rupees Five Lakhs). He had also

brought this fact to the notice of Bench that several FIR's have been lodged against the present respondent and, therefore, the bench had earlier directed the complainant to make available the copies of such FIRs filed against the respondent.

Perused the records of the case. No reply/ document has been filed either by the complainant or the respondent company. However, Mr. Alok Kumar, Managing Director of the respondent company was present on last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that the respondent company have themselves withdrawn their application for registration of Project "Impulse Enclave" and the Authority has since rejected their application by its letter dated 23.06.2021.

The Authority, therefore, directs the respondent company and their Directors to refund the remaining principal amount of Rs.12,52,530/- 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 three years or more plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

With these directions, the matter stands disposed of.

Sd/-

Naveen Verma
(Chairman)

Sd/-

R B Sinha
(Member)

Sd/-

Nupur Banerjee
(Member)