

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

Case No: RERA/CC/132/2022

Shyam Kishore Prasad

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: Agrani BOB City, Block-A

06/04/2023

ORDER

In this matter, the complainant entered into a Memorandum of Understanding dated 23.08.2016 to purchase a residential Flat No. 302 on 3rd floor, Block-A in the said project situated at Mouza Painal, P.S. Bihta, District Patna measuring super built-up area of 1200 + 250 sq.ft. (3 BHK) along with one reserve car parking for total consideration of Rs.15 lakh with applicable service tax. It is stated that against the said consideration the complainant has paid Rs.13.20 lakh (advance of Rs.12,76,583/- and service tax of Rs.43,417/-). In spite of that, the respondent has neither executed registered sale deed nor delivered the said flat even after 5 ½ years. Therefore, he has prayed for refund of the entire money with interest or the respondent be directed to hand over the physical possession of the said flat. He has also prayed for compensation of Rs.10 lakh and litigation cost of Rs.1 lakh.

The complainant has placed on record the copy of the MOU dated 23.08.2016, allotment letter 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 prayer for refund with interest and compensation.

The Bench notes that despite several opportunities the respondent failed to appear before the Bench so, 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 consideration 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.13.20 lakh 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 3% interest from the date of taking booking till the date of refund within sixty days of issue of this order.

As regards compensation, the complainant is at liberty to file a case before the Adjudicating Officer as per provisions of the Act.

With these directions and observations, the matter is disposed of.

Sd/-

Nupur Banerjee
(Member)