

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

Case No: RERA/CC/275/2021

Deva Prakash

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

.. ...Respondent

Project: IOB Nagar, Block-O

Present: For Complainant: Mr. Deepak Kumar, Advocate

For Respondent: None

31/03/2023

ORDER

In this matter, as per assurance of the respondent, the complainant booked a flat in the said project on consideration amount of Rs.17,52,530/- which includes service tax of Rs.52,530/-. Thereafter as per demand of the respondent, from 21.12.2013 to 29.01.2014 the complainant has paid Rs.15,46,350/- through different cheques. It is stated that on 29.01.2014 the complainant and the respondent entered into Memorandum of Understanding in which it was promised by the respondent that he will hand over the possession of the flat within a period of 36 months with relaxation period of six months. It is further stated that even after expiry of grace period of six months the respondent has not handed over the possession of the flat as the construction of the same has not started till date. In this way the respondent has cheated the complainant. Therefore, he has prayed to direct the respondent to refund the principal amount of Rs.15,46,350/- with interest and compensation.

The complainant has placed on record the copy of the MOU and the money receipts.

Perused the record. No reply has been filed by the respondent.

The Bench notes that since it is a case for refund of the principal amount with interest and the respondent has not filed any reply, so, in the interest of justice 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.15,46,350/- 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 6% 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)