

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

**Case No: RERA/CC/905/2021**

**Sudhan Majhi**

**...Complainant**

**Vs.**

**M/s Agrani Homes Pvt. Ltd.**

**...Respondent**

**Project: I.O.B Nagar, Danapur**

**For Complainant: Mr. Sushant Kumar Jha, Advocate**

**For Respondent : None**

**07.09.2022**

**ORDER**

This matter was last heard on 04.08.2022

In this matter the allottee had booked a flat in the project I.O.B Nagar, Block O and had paid Rs. 15,00,000/ in lieu of booking of flat-. It has been further submitted that the promoter was supposed to handover the flat latest by 2019 but the promoter failed to start the construction of flat at project site and not refund the money, this complaint has been filed for refund of the paid amount along with interest.

The allottee has placed on record money receipts, duly issued and acknowledged by the respondent of the alleged amount of Rs.15,00,000, paid by him at the time of booking.

Perused the record. The respondent has not filed any specific reply and even not appeared during the course of hearing despite notices and summon issued, hence, order is being pronounced on the basis of documents available on the record.

On last date of hearing learned counsel for the complainant reiterated his prayer for refund.

The Bench observes that on the last hearing a penalty of Rs.10,000/- was levied upon the respondent for non appearance despite issued of summon, therefore, respondent is directed to

deposit the levied penalty amount immediately, failing which, it can be recovered as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21, Rule 30 of the Code of Civil Procedure, 1908.

The Bench also observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

Having heard the submissions, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.15,00,000 (Rupees Fourteen Lakh only) 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 three percent from the date of taking booking till the date of refund within sixty days of issue of this order.

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

**Sd/-**  
**Nupur Banerjee**  
**(Member)**