

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1115/2020

Shail Kumari

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - Prakriti Vihar

ORDER

13.09.2022

The matter was last heard on 22.08.2022.

The case of the complainant is that she had booked plot no. 467 in the project Prakriti Vihar in 2015 by making a payment of Rs. 4,35,000/-. The complainant has requested for possession or refund with interest.

The complainant has placed on record a copy of KYC, money receipts, agreement for sale dated 29/05/2015 and a letter to transfer the booking amount from BOB city to Prakriti Vihar.

Perused the record.

The respondent has filed a reply stating that they are willing to give plot to the complainant. The complainant had earlier submitted that the respondent has agreed to handover the possession of the land to her.

However, on the last date of hearing the complainant requested for refund with interest as she was not interested in the offer as the promoter was not offering developed plots as was assured by them.

The Authority notes that the submission of the complainant was not challenged by the respondent on the last date of hearing and hence her claim is admitted.

The Authority 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 submission of both the parties the Authority hereby directs the respondent company and its Director to refund the principal amount of Rs. 4,35,000/- 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 plus 3% percent from the date of taking the 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/-
Naveen Verma
(Chairman)