

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. : - RERA/CC/906/2021

Shyamnandan Choudhary.....Complainant

Vs

M/s Agrani Homes Real Marketing Pvt Ltd.....Respondent

Project: Agrani Daffodil City

For Complainant: Mr. Viveka Nand, Advocate

For Respondent: Mr. Satwik Singh, L.R.

21.09.2022

ORDER

This matter was last heard on 23.08.2022.

The case of the complainant is that complainant had booked a flat, bearing flat no. 101, of area 1450 Sqft. in Block B, of project Daffodils city for consideration of Rs.39,25,000/-against which he has paid Rs. 12,00,000/. However, due to delay in project, he prays for refund of the amount along with interest and compensation.

The complainant has placed on record money receipts, duly issued and acknowledged by the respondent of the alleged amount of Rs.12,00,000, paid by him to respondent in lieu of booking. Further, the complainant has also placed on record M.O.U. dated 23-06-2019.

Perused the records. No reply has been filed by the respondent. However their representative has been present on the last date of hearing and have not refuted the claim of complainant.

On the last date of hearing, the complainant reiterated his prayer for refund of the amount paid.

The representative of the respondent company has submitted during last hearing that order for refund may be passed.

The Bench notes that the application of registration of Project titled name “Daffodils City” has been rejected by the Authority by its letter dated 27.8.2021.

The Authority observed that notwithstanding the fact that the project was not registered and the respondent company made new bookings in 2019. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. This matter may be included in the Suo Moto proceeding against the respondent company. The evidence of violation is available in the petitions filed by the complainants.

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 representative of respondent was present during the last hearing and had not challenged the claim of complainant, order is being pronounced.

After considering the documents filed and submissions made by both the parties, the Bench hereby directs the respondent company and their Directors to refund the remaining consideration amount i.e. Rs.12,00,000/- to the complainant/allottee along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus three 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/-
Nupur Banerjee
Member