

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

Case No: RERA/CC/940/2021

Vijay Kumar Mishra

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. & Ors.

..Respondent

Project: Agrani IOC Nagar, Shivala

For Complainant: Mr. Pramod Kumar, Advocate

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

21.09.2022

ORDER

This matter was last heard on 23.08.2022

In this matter filed under section 31 of the Real Estate (Regulation and Development) Act, 2016, the allottee states that he had booked a flat in the project Agrani IOC Nagar, Shivala for a total consideration of Rs.16,00,000/- in 2018. He had paid Rs.6,00,000 /- He further submitted since, the respondent not started construction at the project and also not abide the terms of the agreement, the complainant sent cancellation letter dated 24-01-2019 and 24-05-2019, asking for the refund of the amount paid, but, neither any response has been received from the respondent in respect to said letters nor the amount paid has been refunded by the respondent. He further submitted that a legal notice dated 01-02-2021, was also sent to respondent but no reply has been made to said legal notice also, hence, no option left, the complainant has filed this complaint for refund of principal amount along with interest and compensation.

The allottee has placed on record, copy of money receipts of total amount of Rs. 6,00,000/-, paid to respondent company. Further, the complainant has also placed on record cancellation letters and legal notice, addressed to respondent for refund of the amount paid.

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 remaining amount.

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

Having heard the submissions of both the parties and perusal of documents placed, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.6,00,000/- 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 three percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

The complainant is at liberty to press the claim for compensation before the A.O. as per the provisions of the Act.

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

Sd/-
Nupur Banerjee
(Member)