

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Case No. RERA/CC/848/2021**

**Mrs. Niru.....Complainant**

**Vs**

**Agrani Homes Pvt. Ltd.....Respondent.**

**Project: Agrani Sangita Kunj**

**For Complainant: Mr. Ishtiyaque Hussain, Advocate**

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

**ORDER**

**24.08.2022**

The matter was last heard on 02.08.2022.

The case of the complainant is that she booked a flat bearing flat no. 207, in the proposed project namely Agrani Sangita Kunj, and paid Rs.6 lakh in 2019, out of total consideration amount of Rs.35 lakh. As the project has not get approval from the Authority and there is no progress work started at the project site and also the respondent is not traceable after several approaches, the present case has been filed seeking refund of the principal amount paid along with interest and compensation.

The complainant has placed on record copy of KYC dated 11.10.2019 and money receipts, issued by the respondent company against payment of Rs. 6,00,000/- .

Perused the records. No reply has been filed by the respondent. However, their representative has been present in the proceedings and has not refuted the claim.

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

The Legal Representative of the respondent has submitted on the last hearing to submit an affidavit giving the alternative offer which the complainant refuted and submitted that complainant is not interested in any offer of the respondent.

The Bench notes that on the last hearing direction was given to complainant to send a cancellation letter to respondent and file a copy of same but the same was not filed. The Bench observes that the allottee has to send 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 the respondent was present on the last date of hearing and has not challenged the claim of complainant hence, order is being pronounced.

The Bench takes the note of that the application of registration of Project “Agrani Sangita Kunj” has been rejected by the Authority by order dated 23.06.2021.

The Bench directs to issue notice to promoter that as under what circumstances, promoter has advertised, sold the

flats of the project in 2019 without registration in the Authority and why a penalty may not be imposed on them under the provisions of section 3/59 of the RERA Act, 2016.

Having heard the submissions of both the parties the Bench hereby directs the respondent company and its 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 rate (MCLR) of State Bank of India as applicable for three years or more plus two percent from the date of taking the booking till 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.

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

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