

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

Case Nos. RERA/CC/966/2020

Savitri Kumari

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: Agrani PG-Town

30-08-2022

O R D E R

This matter was heard on 02-08-2022.

The case of the complainant is that she had booked a flat bearing no 106, block B, having an area 1000 Sq. Ft. in the project PG Town on 02-09-2017. She had paid Rs. 13,44,000/-. The respondent has failed to handover the possession of the flat so, the complainant has filed the complaint case for refund with interest

The complainant has placed on record copy memorandum of understanding, copy of money receipts with supporting cheques and KYC dated 28/07/2017.

On the last date of hearing the representative of the respondent had submitted alternate offer was proposed to the complainant but his response was awaited.

The Bench directed the respondent to file the response of the complainant. However, the respondent has not filed any reply and hence the claim of the complainant is being admitted and order is being passed on the basis of documents available on record.

The Authority notes that the promoter has apparently violated section 3 of the RERA Act, 2016 and directs that a suo motu proceeding under Section 59 of the Act be initiated against them.

The Bench notes that a penalty of Rs. 2,000/- was imposed on the respondent on the last date of hearing for not complying with the order of the Bench. The Bench directs the respondent to pay the penalty within two weeks.

The Bench 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.

After considering the documents filed, the Authority hereby directs the respondent company and their Directors to refund the principal amount of Rs. 13,44,000 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 one percent from the date of taking the booking within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)