

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs. Nupur Banerjee, Members**

Case No. RERA/CC/289/2019

Barun Kumar Jha Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: Patliputra Enclave

27.09.2021

23.11.2021

INTERIM ORDER

This matter was last heard along with the batch cases before the full bench on 06.09.2021.

The case of the complainant is that he booked a 2 BHK flat, having an area of 945 sq. ft. in January 2018, in Block A of the proposed project "Patliputra Enclave" of respondent company and deposited Rs. 6,75,000/- (Six Lakhs Seventy-Five Thousand Only) through cheque. The complainant has paid Rs.6,00,000/- (Six Lakhs) vide cheque no. 926226 & 926227 dated 15.01.2018, and Rs. 75,000/- (Seventy-Five Thousand) vide cheque no. 926229 dated 25.05.2018, for which money receipt No.141 dated 03.07.2018, was issued. However, money receipt no. 141 dated 03.07.2018, was issued in the name of Project 'Agrani Shiv Dhyam' with which the complainant has no concern and has requested to issue correct money receipt through email dated 04.09.2018 and 25.09.2018. Since the respondent failed to issue correct money receipt and no development/ construction of project took place, therefore he applied for cancellation of flat on 15.11.2018, and requested for refund of booking amount along with interest.

Perused the records of the case. No reply has been filed by respondent company. However, Mr Alok Kumar, Managing Director of the respondent company was present on last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that the respondent company have themselves withdrawn their application for registration of Project “Patliputra Enclave” and the Authority has since rejected their application by its letter dated 23.06.2021.

The Bench would like to give an opportunity to the complainant to state whether he has received any refund.

The Authority directs the respondent company to explain why action should not be taken against them for violation of section 3 of the Real Estate (Regulation and Development) Act, 2016 as the documents submitted by the complainant reveals that they had made the booking in 2018 without getting the project registered.

Put up on 30.11.2021

Sd/-

Naveen Verma
(Chairman)

Sd/-

R B Sinha
(Member)

Sd/-

Nupur Banerjee
(Member)