REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

RERA/CC/383/2022

Smt. Anchala …Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. …Respondent

Project: - Sunrise City

ORDER

21.08.2023 The matter was heard on 18.07.2023.The respondent has not appeared either before the Authority or before the Conciliation Forum and hence, ex-parte order has been pronounced.

The case of the complainant is that she had booked a flat in the project "Sunrise City"of the respondent on 19.03.2019.The total consideration amount was fixed as Rs. 40,82,700/- against which she had paid Rs. 4.52 lacs by different cheques between 25.04.2019 to 21.08.2019.

Apparently, agreement for sale was not executed as she was not able to take loan from a bank . The matter has been filed either for possession or for refund of principal amount with interest and compensation.

The complainant has filed copy of the application form, KYC issued by the company, three cheques issued by her in favour of the company and copies of receipts. She has also filed the copy of brochure of the project.

The Authority observes that while the complainant had appeared before the Conciliation Forum and pressed his demand for refund of Rs. 4.52 lacs along with interest, the respondent had not appeared. The respondent has also not appeared before the Authority. Hence the matter is being disposed of ex-parte.

The copies of the three cheques submitted by the complainant gives evidence of payment of Rs. 3.52 lacs . Similarly the receipts filed by her is also for payment of Rs. 3.52 lacs. While the complainant

has claimed for Rs. 4.52 lacs , she has been able to establish payment of Rs. 3.52 lacs only.

The Authority, therefore, admits the claim of Rs. 3.52 lacs.

The Authority also notes that the relief sought for regarding possession of the flat after paying only a fraction of the consideration amount is not tenable.

The Authority, therefore, observes that the complainant's prayer is basically for refund of principal and interest.

The Authority observes from the documents filed by the complainant that the booking was made without getting the project registered, in blatant violation of section 3 of the RERA Act, 2016 for which suo-motu proceeding under section 59(1) of the RERA Act, 2016 may be initiated.

Taking into accounts the documents filed by the complainant and submission made by her, the Authority hereby directs the respondent Company to refund the principal amount paid by her, which appears to be Rs.3.52 lacs to the complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking payment till the date of refund within sixty days of issue of this order.

The complainant is at liberty to press her claim for compensation before the Adjudicating Officer.

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

Sd/-

(Naveen Verma)

Chairman