

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

**Before the Double Bench of Mr Naveen Verma, Chairman**

**& Mrs Nupur Banerjee, Member**

**Case No. RERA/CC/1016/2020**

**Rizwan Alam .....Complainant**

**Vs.**

**M/s Agrani Homes Pvt. Ltd.....Respondent**

**Project: Agrani Kailash – Block A**

**ORDER**

**01-7-2022**

The matter was heard on 24.02.2022 and listed for orders on 13.04.2022. However the order could not be passed and subsequently the matter was again listed before the Double Bench on 23-06-2022 and put up for order on this day.

The case of the complainant is that he had booked a flat bearing flat no 105 on 1st floor on 01.02.2013, the total consideration amount being Rs. 27,06,000/-.The complainant paid Rs. 4,49,363/- against which receipt no. 1987 dated 01.02.2013 was issued and Rs. 1,49,790/- against which receipt no. 1246 dated 26.02.2013 was issued respectively. As is evident from the documents filed, an agreement was shown to the complainant by the respondent company and he was assured that the possession would be handed over in 3.5 years. However, upon inspection, it was discovered that within 3 years only plinth could be constructed. The complainant earlier submitted that he was ready to pay the amount provided possession is given within 3.5 years as mentioned in the agreement. However later not trusting the intentions of the respondent company, applied for cancellation in July 2017 but there was no response from the respondent company. The complainant has prayed for refund of the amount paid along with compensation.

The complainant has placed on record KYC form, receipts issued by the respondent company and also a letter dated 05.03.2016 sent to the respondent company.

Perused the records of the case. Reply on affidavit has been filed by the respondent company wherein the respondent company has not denied the contentions and averments of the complainant and the facts are being admitted.

During the course of hearing, the complainant has submitted that the respondent company has refunded some amount to the complainant and only a sum of Rs. 1.50 lakhs is yet to be refunded. The MD of the respondent company has admitted the claim of the complainant and stated that he is ready to refund the amount due to the complainant.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the remaining principal amount of Rs. 1,50,000/- 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 3 years plus five per cent from the date of taking the booking within sixty days of issue of this order.

The complainant is at liberty to press his claim for compensation filed before the Adjudicating Office under relevant sections of the Act.

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

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

**Sd/-**  
**Naveen Verma**  
**(Chairman)**