

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Hearing Before the Bench of Hon'ble Chairman, Mr. Naveen Verma, &

Hon'ble Member, Mrs. Nupur Banerjee, RERA , Bihar

Case No. :- RERA/CC/1437/2020

Sarika Prasad.....Complainant

Vs

M/s Agrani Homes Pvt. LtdRespondent

Project: SURAJ SUMAN

02-12-2021

06-12-2021

Order

This matter was last heard at length on along with batch of cases on 24/11/202.

The case of the complainant that she booked a 3 BHK flat (Flat no. 504, Block A) in the project "Agrani Suraj Suman" in Dec 2016 under one time payment option and made payment of Rs 19,85,500 (Nineteen Lacs Eighty Five Thousand Five Hundred only) the details which as follows:- Rs. 9,92,750 vide cheques nos. 821134 and 821135 dated 23.12.2016 for which money receipt no.5345 dated 28.12.2016 was issued and Rs.9,92,750 vide cheque 821136 dated 03.02.2017 for which money receipt no. 5442 dated 06.02.2017 was issued. She was promised that the possession of the flat will be given in three years' time i.e by end of December 2019. However the builder didn't keep his promise. The builder Alok Kumar neither picks up the phone nor reply on the text messages sent to his mobile no. or reply to the email sent to him seeking update on the status of the project. The builder office doesn't exist anymore where she can go and check the status with any of the staff. Given that the builder has failed to deliver the flat on time as promised and the complainant is not able to contact the respondent. The complainant has filed the case seeking refund of the amount paid with interest.

The complainant has placed on record aadhar card of the complainant, money receipts dated 28.12.2016 and 06.02.2017 and Know Your Customer form.

Perused the records of the case. No reply has been filed by the respondent company. The Bench notes that Mr. Alok Kumar, MD of the respondent company has attended all the previous hearings virtually except the

hearing conducted on 24-11-2021 and orally authorized Mr. Pravin Kumar to represent the respondent company. A penalty of Rs. 10,000/- was imposed upon the respondent company for his non-appearance which has not been deposited by the respondent company.

In previous hearings, the MD of the respondent company submitted that a number of FIRs have been lodged against him by the landowner Manish Kumar with whom Mr. Alok Kumar later has entered into a compromise wherein the landowner is ready to return the amount of around Rs. 1 Crore to the company.

The Bench was also informed that the respondent company was unaware of the development agreement executed between landowner and M/s Hira Panna Infra Projects Pvt. Ltd and upon learning the same, the respondent company cancelled 2 agreements out of 4 agreements with the landowner.

The Bench has taken note of the submissions of the parties. A penalty of Rs. 20,000/- was imposed upon the respondent company vide interim order passed on 07.10.2021 for not furnishing copies of FIRs filed against the respondent company along with the compromise agreement with the landowner, which has also not been deposited till date.

The Bench observed that the liability to refund the amount to the allottees is upon the respondent company and it is for them to arrange the money from whatever sources they desire.

After perusing the records and hearing the submissions of both the parties, the Bench hereby directs the respondent to refund the amount paid by the complainant i.e. Rs. 19,85,500/- with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till payment within sixty days of issue of this order.

As far as the penalty of Rs. 30,000 (10,000 + 20,000) imposed upon the respondent company is concerned, the Bench notes that if the said amount is not paid within the period of 60 days as stated above, the same shall be recovered as arrears of land revenue as enumerated u/s 40(1) of the Act.

With these directions, the matter is disposed of.

Sd/-

**Nupur Banerjee
Member**

Sd/-

**Naveen Verma
Chairman**