

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2 nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10, Patna -800023

Hearing Before the Double Bench of Hon'ble Chairman, Mr. Naveen Verma, & Hon'ble Member, Mrs. Nupur Banerjee

Case No. :-RERA/CC/146/2021

Abhishek Kumar.....Complainant

Vs

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

Project: I.O.B Nagar, Block :I

06.01.2022

14.01.2022

Order

This matter was last heard before Double Bench on 2.12.2021.

The case of the complainant is that he booked flat no. 406 in Block "I" having super built up area 925sq.ft in the project I.O.B Nagar Main Phase on 06.03.2012 with total consideration amount of Rs. 19,40,669 (Nineteen Lakhs forty Thousand Six Hundred and Sixty Nine Rupees only) including all taxes, which includes car parking, common swimming pool, community Hall and other essential amenities and signed the agreement of sale on 20.03.2013 and agreement of sale was executed on 21.03.2013. The complainant has made payment of Rs. 13,58,467 the details of which are as follows:- at the time of booking Rs.4,85,167 and rest amount through home loan in various instalments. As per the agreement of sale the said flat was supposed to be handed over by December 2015. Hence the complainant has filed the complaint praying for handing over the flat or refund of the paid amount i.e. Rs.13,58,467 with interest and expenses incurred in registration.

The complainant has placed on record copy of agreement of sale, aadhaar card, loan account statements, house loan arrangement letter and floor plan.

Perused the records. The respondent has not filed any written reply.

On the last date of hearing dated 02.12.2021 learned counsel Mr.Rakesh Kumar, representing association of allottees supported the contention of Mr. Alok Kumar, M.D of the respondent company in his affidavit of 25-11-2021.

The MD further submitted that they had changed the bank account and had opened new account in ICICI Bank, Boring Road branch in Nov, 2021. The Bench noted that as no one opposed the submissions , the respondent was directed to file an application as prescribed with bank statement so that outstanding balance should be transferred to new account before the Registration Wing informing that they have separated the account detail of 'T' block as per the direction of full bench.

Further, the Bench directed the respondent to file certified ledger account as of 01st November,2021 pertaining to 'T' block and also inform the registration wing of the same and on the submissions of same, the Registration Wing will notify the new account on the website. The Bench also directed the respondent to hand over the possession of flat to complainants within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default.

On the plea of relaxing restriction on the sale of unsold flats, the Bench observed that its direction to Mr. Alok Kumar, MD of the respondent company to file specific affidavit with the submissions regarding list of unsold flats and also the flats in respect of which registration is pending; a bar chart explaining how construction will be completed within 6 months; and a complete list of sold and unsold flats within 2 weeks have not been complied with by the respondent company. Therefore a token penalty of Rs 25,000 (Twenty Five Thousand Only) is imposed upon the respondent company for violating the directions of the Bench to be paid within a week of issuance of the order.

Having heard the submissions of both the parties the bench hereby directs the allottee would make the balance payment of the consideration amount to the promoter who would then complete the flat and hand over possession to the complainant. The Bench reiterates its previous direction to

the respondent company and their Director to hand over the possession of flat to complainant within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default. The Bench also directs the promoter to file certified ledger account as of 1st November,2021 pertaining to 'T' block and also inform the registration wing of the same

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)