

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/1562/2020

Kiran Sinha.....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 she booked Flat No. – 102 having Super Built-up area measuring 1300 sq.ft. and an exclusive Car Parking Space in Block I in the Project, namely, 'I. O. B Nagar' for total consideration of Rs.33,33,550 (Thirty three Lakh Thirty three Thousand Five Hundred Fifty only) inclusive of Service Tax Rs. 1,43,550 (One Lakh Forty Three Thousand Five hundred fifty only). Agreement for Sale Deed vide Deed No. 2098 was executed on

04/03/2017. As per the complaint petition the complainant has deposited Rs.33,33,550 (Rupees Thirty Three Lakh Thirty Three Thousand Five Hundred Fifty only), i.e., the total consideration amount inclusive of Service Tax Rs.1,43,550 (Rupees One Lakh Forty Three Thousand only) but all the documents to corroborate the same has not been filed by the complainant. According to the agreement the possession was supposed to be handed over in December 2017 but has not been delivered till date. Therefore the complainant has filed the case seeking relief for handing over possession of the flat with distinct Flat No., demarked Floor and Boundaries of the Flat and execute Absolute Sale Deed in favour of the Complainant against the Flat, Completion Certificate, along with compensation and litigation cost.

The complainant has placed on record Agreement for Sale Deed vide Deed No. 2098 dated 04/03/2017 , KYC, Aadhar card, house loan arrangement letter, Demand letter for disbursement of payment cheque no. 443507, 286621, 617920,143800 , money receipt no. 5325 dated 18.12.2016, money receipt no. 5303 dated 15.12.2016, money receipt no. 5291 dated 12.12.2016, money receipt no. 5705 dated 9.06.2017, money receipt no. 5735 dated 11.07.2017, money receipt no. 222 dated 06.09.2018

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 'I' 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 'I' 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.

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

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)