

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr Naveen Verma, Chairman & Mrs Nupur Banerjee, Member

Case No. RERA/CC/570/2021

Ashutosh Kumar.....Complainant

Vs

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

Project: AGRANI P.K. VILLA

Present: For Complainant: Adv Puneet Siddhartha

For Respondent: Mr. Satwik Singh, Legal Representative

12.05.2022

Order

17.05.2022

This matter was last heard before Double Bench on 7.04.2022.

The case of the complainant is that he booked shop no. 102 admeasuring 300 sq.ft. in Block "A" in the Project Agrani P.K.Villa for a total consideration of Rs. 15,39,000/- + GST as applicable (Fifteen Lakh Thirty Nine Thousand). He states that he paid Rs.4,46,429 (Four Lakh Forty Six Thousand Four Hundred Twenty Nine) and Tax of Rs.53,571 in advance before executing the Agreement for Sale and Rs. 6,11,000 (Six Lakh Eleven Thousand) after executing agreement for sale totalling of Rs.11,11,000 (Eleven Lakh Eleven Thousand only). He also paid additional Rs.32,500/- (Thirty Two Thousand Five Hundred Only) as stamp duty and other fees at time of registration of the said Agreement for Sale. Since, the respondent has not handed over the possession of the shop, the complainant has filed the present case for refund with interest and Stamp duty.

The complainant has placed on record copy of Aadhar card, Agreement of sale dated 01/02/2019, Legal Notice to respondent dated 1.4.2021, Money receipt dated 03/08/2018 for Rs.11,000, Money receipt dated 03.12.2019 for Rs. 1,00,000, Money receipt dated 3.08.2018 for Rs.5,00,000, Cheque no. 03.08.2018 dated 097901 only.

During the course of hearing, the learned counsel for the complainant submitted that a representation was filed on behalf of all the landowners on 22.12.2021 stating that registration of the project has lapsed and the respondent company has not applied for further extension and therefore the project may be transferred to another promoter. And on the last date of hearing, the respondent company was directed to file an application for unfreezing of the project account and also send the details of the bank account pertaining to P K Villa project.

Reply was filed by the respondent company in the light of above direction issued by the Authority after the matter was posted for order. In its reply, the respondent company has referred to an order dated 10.02.2021 passed by the Authority wherein the Authority had frozen all the bank accounts of the respondent company, Directors of the company and their relatives. The respondent company has stated that since the passing of the said order, the respondent company has become financially crippled and are unable to carry out the work in the project and address the grievance of the complainant and other allottees. The respondent company has also stated that due to such order, the Banks have put a ban on the disbursement of loan amount to the allottees which in turn is affecting the work of the respondent company. The respondent company has prayed for De-freezing of account no. 165902000000331 (IFSC IOBA0001659), Branch IOB Kankarbagh Patna, belonging to AGRANI P.K. VILLA.

A letter to the concerned Bank Branch for de-freezing the project account has been issued to the Branch Manager, Indian Overseas Bank, Kankarbagh Branch in the light of prayer of the respondent company.

The Bench notes that the complainant reiterated his request for refund with interest and also requested for liberty to approach the Adjudicating Officer for compensation.

Taking note of the prayer and the submissions made above, the Bench is of the view that if the respondent company is willing to carry out the project and address the grievance of the complainant

and other aggrieved allottees the promoter may submit an application for the extension of the registration.

So far as the relief sought by the complainant in this case is concerned, the Bench hereby directs the respondent company and its Directors to refund the principal amount i.e. Rs. 11,11,000/- with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating officer for his claim of compensation.

The matter is disposed of accordingly.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)