

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/1782/2020

Devanshu 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 the complainant booked flat no. 503 in Block "I" having super built up area 1300 sq. ft in the project I.O.B Nagar Main Phase Booking on 19.01.2013 with total consideration amount of Rs.19,75,204 and executed agreement of sale on 08.03.2013. As per the complaint filed the complainant has paid booking amount Rs.7,50,000 vide cheque no. 064781, 557985, 557984,743649 for which money receipt no.1462, dated 19.1.2013 was issued, and took loan of Rs.12,00,000 from SBI. As per the money receipt by

Agrani homes pvt. Ltd. put up on record apart from booking amount of Rs7,50,000 the complainant has paid Rs.1,52,457 vide cheque no. 610357 for which money receipt no. 1798 and Rs. 3,06,996 vide cheque no. 1528 for which money receipt no. 1528 was issued. Due to delay in completion of project the complainant has filed the case seeking relief for possession of the flat.

The complainant has placed on record money receipts dated 19.01.2013, Agreement of sale , Money receipt details by Agrani Homes Pvt. Ltd., Aadhaar card, and Loan Account Statements, and Confirmation Letter.

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 the 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 'I' 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)