

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member

Case No.CC/1438/2020

Bijeta Kumari.....Complainant

Vs

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

Project: KALAWATI RESIDENCY

ORDER

19-05-2022 The matter was last heard on 04-02-2022 along with batch cases before the Double Bench and was posted for order on 24.03.2022. However, due to other preoccupation, the Bench did not sit on that date and orders could not be passed.

The case of the complainant is that she booked a flat bearing no. 205 on 22.03.2018 in Block B in the project for a total consideration of Rs. 31,03,200/- against which she paid a sum of Rs. 3,01,000/- on different dates. The complainant has alleged that the respondent company had assured to handover the possession of the flat by 22.01.2022 however no work has started at the site till now. Therefore, the complaint has been filed praying for refund of Rs 3,01,000/- with interest @ 18% p.a.

The complainant has placed on record copies of money receipts bearing numbers 689, 461, 134, 6412 and 6410 issued by the respondent company. She has filed details of payment made - Rs. 50,000/- vide cheque no. 006412 dated 10.07.2019, cheque no. 025201 dated 30.11.2018 for Rs 50,000/-, cheque no. 307445 dated 13.06.2018 for Rs. 50,000/-, cheque no. 381537 dated 01.03.2018 for Rs 51,000/- and two cheques bearing numbers

381538 and 057877 dated 15.03.2018 for Rs 1,00,00/-. Against the said payment of Rs 3,01,000/-, money receipts numbers 689, 461, 134, 6412 and 6410 were issued by the respondent company.

No reply has been filed by the respondent company however the Managing Director, Mr. Alok Kumar was present during the hearing and has not challenged the submissions of the complainant, meaning thereby the facts are being admitted.

During the course of hearing, the MD of the respondent company has orally submitted that the project is registered with the Real Estate Regulatory Authority and around 40-50% flats have been sold in Block A and Block B. The respondent company further assured the Bench that work in Block B which is a 6 storied building would be completed by 28.02.2024. The Bench notes that a letter for de-freezing the project account of Agrani Kalawati Residency has been issued to the Branch Manager, Indian Overseas Bank, Boring Road Branch in the light of prayer of the respondent company.

The Bench takes note of the submission of the complainant that she is ready to wait for the flat. The complainant has also prayed for execution of registered agreement to sale. She is advised to send a petition on this issue as the relief sought by her in the complaint was refund of deposit.

The respondent has also not filed any written submission regarding the status of the project. They are directed to ensure that updated quarterly reports are uploaded on the web page as per section 11 of the Real Estate (Regulation & Development) Act, 2016 failing which penal action may be initiated against them.

The allottee and the promoter also need to mutually decide the schedule of payment of the remaining principal amount. Directions to the promoter to complete the project would simultaneously imply that the allottee fulfils her obligations to pay the amount. It appears from the submission of the complainant that the agreement to sale has not been registered.

Having heard the submissions of both the parties and after perusal of the record, the Authority directs the respondent company and its Directors to execute the agreement to sale within thirty days and to that extent the general ban on registration would be relaxed. The Authority takes note of the assurance given by the promoter to complete the project by 28.02.2024.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)