

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Full Bench of Mr. Naveen Verma, Chairman,  
Mr. R.B. Sinha, Member and Mrs. Nupur Banerjee, Member**

**Case No. RERA/CC/20/2021**

**Mohammad Shahjad Alam..... Complainant**

**Vs.**

**Agrani Homes Real Marketing Pvt. Ltd .....Respondent**

**Project: Daffodil City - Block D/Prakriti Vihar**

**Present: For Complainant: Mr. Vishal Vikram Rana, Advocate**

**For Respondent: Mr. Alok Kumar, MD**

**Mr. Rana Ranvir Singh, Director**

**ORDER**

**29-10-2021**

This matter was last heard along with the batch cases before the

**3-12-2021**

full bench on 21.10.2021.

The case of the complainant is that based on a published advertisement of the respondent company regarding Daffodils project, the complainant booked a flat bearing no. 202, Block D, area 880 sq. ft and deposited Rs. 5 Lakhs in 2015 as an advance through cash and cheque. The complainant also booked a plot under Prakriti Vihar project bearing Plot No. D29, area- 1200 sq. ft for which he deposited Rs. 1,41,001/- (One Lakh Forty One thousand and One). Later he found out that the projects did not receive clearance regarding map from the Patna Municipal Corporation and was not registered by RERA under section 5(b) of the Act and hence he has sought return of the money paid with interest @18% for both projects along with compensation, litigation cost and other reliefs.

Perused the records of the case. The respondent company has not filed any written reply. However, Mr. Alok Kumar, Managing Director and Rana Ranveer Singh, Director of the respondent company were both present on the last date of hearing and they have not challenged the contention of the complainant and the facts are being admitted.

The Bench notes that the application of registration of Project titled name "Daffodils City" has been rejected by the Authority by its letter

dated 27.8.2021. The Authority also notes that on the last date Mr. Alok Kumar, Managing Director of the respondent Company had requested for time to refund the due amount.

During hearing on 9.9.2021 the learned counsel of the complainant had submitted that instead of refund he wanted a plot in Prakriti Vihar project of the same promoter. However, he has not filed any supplementary application on oath regarding the change in nature of relief sought. The Bench notes that the application for registration of this project has also been rejected by the Authority. The respondent company is at liberty to file a fresh application for registration under Sec 4(1) of the Act.

The Authority observes that the oral request of the complainant for an equivalent plot in Prakriti Vihar project cannot be considered at this stage when that project is not registered and when the complainant himself has sought refund with interest in respect of both the projects in his complaint.

The Authority, therefore, directs the respondent company and their Directors to refund the principal amount of Rs 6.41 lakhs and pay interest at the rate of marginal cost of fund based lending rates ( MCLR ) of State Bank of India as applicable for three years or more plus two percent from the date of deposit to the date of refund within sixty days of issue of this order.

The Bench notes that an order with a defect in the instant case was inadvertently uploaded on the website of Authority on 1-11-2021 and the same was duly removed upon knowledge.

Sd/-  
**R B Sinha**  
(Member)

Sd/-  
**Nupur Banerjee**  
(Member)

Sd/-  
**Naveen Verma**  
(Chairman)