

REAL ESTATE REGULATORY AUTHORITY, BIHAR

RERA/CC/21/2022

Sheonandan Singh

.....Complainant

Vs

Agrani Homes Real Marketing Pvt. Ltd

.....Respondent

Project: - Agrani P.G Town “Block D”

24.03.2023:

ORDER

The matter was last heard on 23.2.2023 after having been referred by the Conciliation Forum as the parties were not able to arrive at an amicable settlement.

The case of the complainant is that he had booked a flat in the project Agrani PG Town of the respondent company and MOU was executed on 2.2.2019. The consideration amount as mentioned in the MOU was Rs 16.00 lakhs plus taxes against which the complainant has paid Rs 14 lakhs including taxes.

The complainant has filed copies of the MOU, receipts and KYC issued by the respondent.

The complaint case was initially filed for possession of the booked flat along with interest for delay in possession. During the conciliation proceedings, the respondent had offered an equivalent plot in their project at village Parmanandpur, Sonapur which the complainant was willing to consider . However, the representative of the respondent company did not pursue this matter by showing the plot and hence the conciliation proceedings failed.

The respondent did not appear before the Authority despite notices having been issued and hence ex-parte orders are being passed. It is clear from the conciliation records that the claim of the complainant regarding payment made to the respondent is admitted.

The complainant has filed an affidavit before the Authority changing his relief to refund .

The Authority observes that the application for registration of the project Agrani PG Town has since been rejected. The respondent went ahead with taking fresh bookings in clear violation of Section 3 of the RERA Act, 2016. Hence suo motu proceedings against the respondent may be initiated .

The submissions of the complainant and the records of the conciliation forum show that the respondent is not willing either to give possession of an alternative plot or flat.

Hence the Authority directs the respondent company and its Director Mr Alok Kumar to refund the principal amount of Rs 14.00 lakhs along with interest calculated at the MCLR of SBI as applicable for three years plus 2 per cent within sixty days of issue of this order.

With these directions the matter is disposed of.

Sd/-
(Naveen Verma)
Chairman