

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr Naveen Verma, Chairman &

Mrs Nupur Banerjee, Member

Case No. RERA/CC/926/2020

Raj Kumar Sinha.....Complainant

Vs

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

Project: IOB NAGAR BLOCK N

ORDER

21-06-2022

The matter was last heard on 22-02-2022 before the Double Bench along with batch cases and was fixed for orders on 7.04.2022. However orders could not be pronounced and the matter was however wrongly listed before the Single Bench on 31-05-2022. This case has now been posted for order on this day.

The case of the complainant is that he booked a 3 BHK Flat No. 502, in Block – N on Fifth Floor, measuring an area 1300 sq. ft. the consideration amount of which was Rs. 29,00,000 /- (Rupees Twenty Nine Lakhs). A Memorandum of Understanding (MoU) was executed between the complainant and the respondent company laying down terms and conditions along with schedule of payment to be abided by the complainant (allottee) as well as respondent company (promoter). The complainant has stated in his complaint that at the time of execution of the MoU, the complainant paid a sum of Rs 5,21,000/- to the respondent company by way of cheque bearing no. 188253 dated 28.01.2017. It has been alleged by the complainant that even after lapse of so many years, the respondent company has failed to handover the possession of the flat and no response has been received from them upon contacting them. The complainant also sent

a letter dated 24.12.2019 requesting the respondent company to cancel the booking of the flat and refund the amount paid along with interest on the said amount. The cancellation letter was duly acknowledged by the respondent company on 30.12.2019 but since no action was taken, the complaint has been filed praying for refund of the deposited amount of Rs. 5,21,000/- along with interest @ 18%.

The complainant has annexed copies of KYC form bearing details of flat and consideration amount, copy of MoU, copy of cheque bearing no 188253 dated 21.11.2017 and a copy of cancellation letter dated 29.12.2019 sent by the complainant.

No reply has been filed by the respondent company in response to the allegations leveled even after giving sufficient opportunity. However, the Director of the respondent company Sri Alok Kumar, who was present during the hearing did not refute the contention of the complainant and hence the facts are being admitted.

During the last hearing, the respondent had offered to shift the booking to some other project of IOB Nagar i.e. in PG 1/ PG 2 where the map has been approved.

The complainant had reiterated his request for refund of the principal amount with interest as he is not interested in the proposal of the respondent company.

The Authority observes that the present matter is among the numerous complaints that have been filed against the promoter M/s Agrani Homes Pvt. Ltd. leveling serious allegations such as non-handing over of the possession of flats, non-refund of the deposited amount, diversion of funds etc. It has also been observed that there is no seriousness on the part of the respondent company to address the grievances of the allottees including the complainant.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs. 5,21,000/- to the complainant along with 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 one per cent from the date of taking the booking till refund within sixty days of issue of this order.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)