

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

Case No. CC/433/2021

Chandan Mukhopadhyay.....Complainant

Vs

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

Project: PG Town Block I

ORDER

27-04-2022 This matter was last heard on 12-04-2022 along with the batch of cases before the Double Bench.

The case of the complainant is that he booked a Flat bearing No. 201 on 2nd Floor in the project measuring 1626 sq ft on 21.04.2014, the total consideration of which was Rs. 9,29,041/-. The complainant has paid total consideration amount of Rs. 9,29,041/- vide cheque no. 428656 dated 21.04.2014 amounting to Rs 2 lakhs, cheque bearing no. 083306 dated 21.04.2014 amounting to Rs. 1 lakh, cheque no. 083312 dated 29.04.2015 amounting to Rs. 3,18,540/-, cheque no. 083314 dated 14.07.2015 amounting to Rs. 3,09,270/- and cash of Rs. 1,231/- on 30.12.2015. The complainant has stated that an agreement for sale was executed on 30.12.2015, according to which the possession of the flat with full facilities were to be handed over within three years. The complainant has however alleged that neither possession has been handed over nor deposited amount has been refunded to the complainant and hence the complaint has been filed for issuing direction to the respondent to refund the amount with interest of 18 % per annum and for compensation in various ways.

The complainant has placed on record copy of agreement for sale dated 31.12.2015.

In the reply filed by the respondent it has been submitted that they are ready to offer plot situated at Parmanandpur, Sonapur by way of settlement or to continue with the present booking till completion of the project within the timeline of 36 months.

It has been stated by the complainant that he is not interested in the offer of the respondent and reiterated his request for refund with interest.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs. 9,29,041/- 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 plus three percent from the date of taking the booking within sixty days of issue of this order.

The complainant is at liberty to press for claim for compensation before the court of Adjudicating Officer.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)