

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Case No. RERA/CC/275/2019

Malti Das

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - IOB Nagar (S Block)

ORDER

05.04.2023

This matter was taken up along with other batch of complaint cases on 24.02.2022 and was to be listed again on 13.04.2022 for hearing. However, the records of the case got inadvertently misplaced and the matter could not be taken up. Subsequently it was listed on 21.03.2023 before the Full Bench. The complainant was heard and the matter was fixed by the Double Bench on 05.04.2023.

The case of the complainant is that she had booked a flat in the project in December 2014. She had entered into MOU with the respondent on 26.12.2015 which mentions that she had paid amount of Rs. 16 lakh against the consideration amount of Rs.18 lakh. The complainant stated that the respondent has assured to handover the project within three years. She had initially filed the matter for getting the possession of the apartment.

She has filed the copy of the MOU and the letter sent by the promoter indicating the status of clearnces on 13.05.2017.

During the hearing held on 24.02.2022, the respondent had offered to settle the matter with the complainant either by giving plot situated in village Permanandpur, Sonapur or to continue with some other approved project till completion of that project within the overall timeline of 36 months. However, they have not informed the Authority as to whether the complainant is agreeable to this offer or not.

Meanwhile, the complainant has sent an application on 21.1.2023 changing the relief for refund of the amount paid by her. The complainant has mentioned that finding no activity regarding construction of the project, she has changed her relief to refund and that she had already got Rs. 5 lakh through Authority. She has reiterated this in her application dated 21.03.2023. She requested that the remaining principal amount of Rs. 11 lakh along with interest may be refunded by the respondents.

The respondent who had appeared in the matter earlier have not rebutted the contention of the complainant, hence the claim of the complainant is admitted on the basis of her submission and the document filed by her.

Taking into view the submissions made, the Authority hereby directs the respondent company and its Director Shri Alok Kumar to refund the outstanding principal amount of Rs. Eleven lakh to the complainant along with interest on the entire principal amount of Rs 16 lakhs calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable on the date of booking of flat plus two per cent till the date of refund within sixty days of issue of this order.

With these directions, the matter is disposed of.

Sd/-
(Nupur Banerjee)
Member

Sd/-
(Naveen Verma)
Chairman