

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

Case No.CC/1053/2020

Rashi Sinha.....Complainant

Vs

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

Project: KALAWATI RESIDENCY

ORDER

4/7/2022

The matter was last heard on 04-02-2022 along with batch cases fore the Double Bench and was posted for order on 24.03.2022. However, due to other preoccupation, the Bench did not sit on that date and orders could not be passed.

The case of the complainant is that she booked a 2BHK flat bearing no. 102 in Block B in the project. The total cost of the flat was Rs. 37,53,344/- out of which the complainant made the payment of Rs. 4 lakhs to the respondent company on different dates. The first payment was made by the complainant on 16.06.2018. The complainant has alleged that upon requesting the respondent company for executing the agreement, the promoter demanded payment of Rs 10 lakhs from her . Due to non-payment of the said amount, the agreement paper was not executed by the respondent company. It has also been alleged that despite several assurances, the respondent company has failed to start the construction of the project. The complainant has stated that upon visiting the site on 22.10.2019, she learnt that no brick has been laid till date. It has further been stated that on 22.10.2019, the complainant approached the CEO/Director of the respondent company regarding cancellation of the said flat and refunding the entire booking amount of Rs. 4,00,000/-, but no action has been taken by the respondent company. Therefore, the complaint has been filed praying for refund of Rs. 4 lakhs with compound interest.

The complainant has placed on record copy of application for registration submitted by the respondent company, copy of statement of Axis Bank, money receipt issued by the respondent company against payment of Rs 1.75 lakhs, cancellation letter sent by the complainant duly acknowledged by the respondent company, money receipt dated 03.07.2018, KYC form.

No reply has been filed by the respondent company however the Managing Director, Mr. Alok Kumar was present during the hearing and has not challenged the submissions of the complainant, meaning thereby the facts are being admitted.

During the course of hearing, the MD of the respondent company has orally submitted that the project is registered with the Real Estate Regulatory Authority and around 40-50% flats have been sold in Block A and Block B. The respondent company further assured the Bench that work in Block B which is a 6 storied building would be completed by 28.02.2024. The Bench notes that a letter for de-freezing the project account of Agrani Kalawati Residency has been issued to the Branch Manager, Indian Overseas Bank, Boring Road Branch in the light of prayer of the respondent company.

The Bench also notes that the complainant has reiterated her request for refund of the amount of Rs 4 lakhs.

Perused the record. The Bench observes that even though the respondent company has assured to complete the Block by 28.02.2024, the relief of the present complainant is refund and not possession.

Hence, based on the aforesaid facts, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 4 lakhs to the complainant along with simple interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking 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)