

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2 nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10, Patna -800023

**Hearing Before the Double Bench of Hon'ble Chairman, Mr. Naveen
Verma, & Hon'ble Member, Mrs. Nupur Banerjee**

Case No. :-RERA/CC/420/2021

Varsha Sinha.....Complainant

Vs

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

Project: I.O.B Nagar, Block :I

06.01.2022

14.01.2022

Order

This matter was last heard before Double Bench on 2.12.2021.

The case of the complainant is that she booked flat no. 302 in Block "I" having super built up area 1300 sq.ft in the project I.O.B Nagar Main Phase with total consideration amount of Rs.30,87,545 and executed agreement of sale on 03.06.2013. The complainant has made payment of Rs.26,03,766. As per the petition the complainant has submitted that she has paid Rs.7,48,751(Rs.4,49,250 vide cheque no. 863984, 424501 for which money receipt no. 1253 dated 1.03.2013, and Rs. 2,99,501 vide cheque no. 111542 and 863983 for which money receipt no. 1071 dated 22.01.2013 was issued. She has attached receipt of Rs. 7,58,005 and Rs.18,55,015 via home loan in various instalments. Asper the agreement of sale the said flat was supposed to be handed over by December 2015. Therefore the complainant has filed the complaint praying relief for possession of the flat and compensation for causing mental harassment to the complainant along with litigation cost.

The complainant has placed on record copy of agreement of sale, aadhaar card, loan account statements,home loan arrangement letter, provisional home

loan certificate, money receipt dated 1.03.2013 and 22.01.2013

Perused the records. The respondent has not filed any written reply.

On the last date of hearing dated 02.12.2021 learned counsel Mr. Rakesh Kumar, representing association of allottees supported the contention of Mr. Alok Kumar, M.D of the respondent company in his affidavit of 25-11-2021.

The MD further submitted that they had changed the bank account and had opened new account in ICICI Bank, Boring Road branch in Nov, 2021. The Bench noted that as no one opposed the submissions the respondent was directed to file an application as prescribed with bank statement so that outstanding balance should be transferred to new account before the Registration Wing informing that they have separated the account detail of 'T' block as per the direction of full bench.

Further, the Bench directed the respondent to file certified ledger account as of 01st November, 2021 pertaining to 'T' block and also inform the registration wing of the same and on the submissions of same, the Registration Wing will notify the new account on the website. The Bench also directed the respondent to hand over the possession of flat to complainants within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default.

On the plea of relaxing restriction on the sale of unsold flats, the Bench observed that its direction to Mr. Alok Kumar, MD of the respondent company to file specific affidavit with the submissions regarding list of unsold flats and also the flats in respect of which registration is pending; a bar chart explaining how construction will be completed within 6 months; and a complete list of sold and unsold flats within 2 weeks have not been complied with by the respondent company. Therefore a token penalty of Rs 25,000 (Twenty Five Thousand Only) is imposed upon the respondent company for violating the directions of the Bench to be paid within a week of issuance of the order.

Having heard the submissions of both the parties the bench hereby directs the allottee would make the balance

payment of the consideration amount to the promoter who would then complete the flat and hand over possession to the complainant. The Bench reiterates its previous direction to the respondent company and their Director to hand over the possession of flat to complainant within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default. The Bench also directs the promoter to file certified ledger account as of 1st November,2021 pertaining to 'T' block and also inform the registration wing of the same.

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

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)