

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr Naveen Verma, Chairman &

Mrs Nupur Banerjee, Member

Case No. RERA/CC/563/2019

Suresh Prasad Srivastava.....Complainant

Vs

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

Project: SHRI KRISHNA KUNJ

ORDER

05-05-2022 The matter was last heard on 07-04-2022 before the Double Bench.

The case of the complainant is that he booked a Flat No. 11, in Block - C, First Floor, measuring an area 442 sq. ft. the consideration amount of which was Rs.11,05,000/- (Rupees Eleven Lakhs Five Thousand). On perusal of the documents submitted, it seems the complainant made payment of Rs.2,84,786/- (Rupees Two Lakhs Eighty Four Thousand Seven Hundred Eighty Six) through RTGS to the respondent company against booking of the said flat and a money receipt bearing SI. No. 208 dated 30.04.2013 was issued against the said payment. The complainant has alleged that even after payment of the aforesaid sum, the respondent company failed to handover the possession of the flat to the complainant. Thereafter, the complainant approached the respondent company with a request to refund the amount of Rs.2, 84,786/- (Rupees Two Lakhs Eighty Four Thousand Seven Hundred Eighty Six) to the complainant and upon such request only Rs. 2,00,000/- has been refunded to the complainant and Rs. 84,786/- is yet to be refunded to the complainant. Therefore the complaint has been filed praying for refund of the remaining amount along with 18% compound interest.

The complainant has annexed copies of KYC form bearing details of flat and consideration amount, a letter dated 14.06.2016 to CEO of the respondent company regarding refund of the amount, legal notice bearing Ref. No. NKA/103/2018 sent by the learned counsel of the complainant to the respondent company, summary sheet of IOB Block B, copy of ledger account of the complainant showing details of refund of Rs 2 lakhs made by the respondent company.

No reply has been filed by the respondent company in response to the allegations leveled even after giving sufficient opportunity which shows that the facts are being admitted by the respondent company.

The Managing Director of the respondent company Sri Alok Kumar was present during all the hearings and prayed before the Bench to grant time to file his reply. He further informed the Bench that there is an ongoing dispute between the landowner of the land upon which the project is to be constructed and the respondent company for which a complaint filed by the former is pending before Adjudicating Officer.

The Bench observes that the complainant has been absent and it is deciding the matter on the basis of available documents as per Rule 36 sub rule (j) of the Bihar Real Estate (Regulation & Development) Rule 2017.

In the instant case, the complainant has stated that he has paid a sum of Rs.2,84,786/- (Rupees Two Lakhs Eighty Four Thousand Seven Hundred Eighty Six) through RTGS to the respondent company for the purchase of the flat in question. Admittedly a sum of Rs 2 lakhs has been refunded to the complainant upon request as there was delay in handing over of the possession of the said flat.

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 false

assurances are being given by the respondent company to the allottees and there is no seriousness on the part of the respondent company to address the grievances of the allottees including the complainant. Notwithstanding the fact that the respondent company has refunded a sum of Rs 2 lakhs to the complainant but has failed to pay meagre sum of Rs 84,786/- which shows the dishonest intention on the part of the respondent in shirking from its responsibility and duty casted upon it by section 18 of Real Estate (Regulation & Development) Act, 2016.

Therefore, the Authority directs the respondent company and their Directors to refund the principal amount of Rs 84,786/- 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 four per cent 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)