

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman

& Mrs. Nupur Banerjee, Member

Case No. CC/517/2021

Bipul Kumar.....Complainant

Vs

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

Project: Agrani Yamuna Enclave

ORDER

26-04-2022 This matter was last heard on 05-04-2022 along with other batch cases before the Double Bench.

The case of the complainant is that he booked a flat bearing no. 01 on 1st floor, block- A in the project measuring 1150 sq. ft, on 17.08.2014 in project 'Agrani Yamuna Enclave' Sagunamore, situated at Mainpura, Pargana Phulwari, Thana No. 24, bearing Khata no. 87, Khesra and survey plot no. 205, district- Patna. The total consideration amount was Rs. 32,90,000/- (Rupees thirtytwo lakh ninety thousand Only), against which he paid Rs. 8,37,435/- (Rupees eight lakh thirty- seven thousand four hundred thirty five only). At the time of booking of flat it was promised that construction work will be started soon and its completion date is 01.02.2021. However since then there has not been construction on the project although possession of the flat was to be given in 2021. Further, the map and registration of the project has lapsed.

The complainant has filed this matter seeking for a refund of the principal amount paid by him along with compound interest at the rate of 20 %.The complainant has also claimed Rs. 5,00000/- (Rupees five lakh only) as compensation amount for the mental harassment and Rs. 51,000/- as litigation cost from the respondent.

The complainant has placed on record, receipt duly acknowledged by the respondent company and his ledger account details for Rs.3,39,166/- and Rs.4,98,269/- only.

Perused the record.Despite the direction of the Bench to file a reply, neither any reply has been filed by the respondent nor have they rebutted the submission of the complainant. However, the respondent appears to have made an offer of alternative flat/ plot to the complainant.On the last date of hearing, learned counsel for the complainant prayed for refund of the deposited amount with interest as the complainant was not interested in any other offer of the respondent.

Having heard the submissions of both the parties the Authority finds that the respondent has failed to handover possession of the flat in reasonable/ agreed time and thus, the complainant has right to claim refund of their amount,although the complainant has not given any evidence that they had filed any application for cancellation of the booking.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs. 8,37,435/- (Rupees eight lakh thirty seven thousand four hundred thirty-five) to the

complainant along with interest at the rate of the 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 till the date of refund within sixty days of issue of this order.

So far as the claims in the nature of compensation are concerned the complainant is at liberty to approach the Adjudicating officer.

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

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)