

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman &

Mrs. Nupur Banerjee, Member

Case No: RERA/CC/598/2021

Hemlata Devi

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: PG Town

Present: For Complainant: In Person

For Respondent: Mr. Alok Kumar, MD

ORDER

15.02.2022

This matter was last heard before Double Bench on 20.01.2022.

The case of the complainant is that she booked flat no. 101 in Block B of PG Town by paying total consideration amount of Rs. 14,21,000/- (Fourteen Lakh Twenty One Thousand) in various instalments on different dates. The complainant has submitted that till date neither the development work has been commenced nor any agreement has been executed in her favour. Since there was no development/construction of the project, complainant has prayed for possession of the flat and also for issuing directions to the respondent to execute the agreement for sale stating therein the period within which the flat would be handed over to her.

The complainant has placed on record copies of receipt bearing no. 4066 for Rs. 5,21,000/- issued on 06.08.2019; receipt bearing no. 4080 for Rs. 5,00,000/- issued on 17.08.2019; receipt bearing no. 4119 for Rs. 2,00,000/- issued on 13.09.2019.

No reply has been filed by the respondent.

On the last date of hearing, Mr. Alok Kumar, M.D of the respondent company submitted that he is ready to execute the agreement for sale and that the flat would be handed over to the complainant within 36 months.

The Bench allowed the prayer of Mr. Alok Kumar, M.D. of the respondent company and had directed the respondent to execute the agreement for sale within 15 days.

It is also apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2019. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo Moto proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

Having heard the submissions of both the parties the Bench directs the respondent company and their director to execute the agreement to sale immediately. The respondent is also directed to complete the flat and hand over the possession of flat to

complainant within 36 months, failing, which they would be liable to pay Rs.10,000/- for each day of default.

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

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)