

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/648/2021

RakeshBharti.....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 he booked flat no. 204 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.27,00,958 and executed agreement of sale on 8.03.2014. The complainant has made payment of Rs.4,00,000 advance the details of which according to the IIIrd Schedule of agreement of sale as follow:- Rs.1,00,000 vide cheque no. 083501 dated 28.09.2012, Rs.1,00,000 vide cheque no. 083503 dated 15.10.2013, Rs.1,00,000 vide cheque no. 083201 dated 26.11.2012, and Rs.1,00,000 vide cheque no. 083505 dated 26.11.2012 and as per the complainant the rest amount was paid via home loan in various instalments. According to

the agreement the possession was to be handed over in December 2016 but has not been delivered till date. Therefore the complainant has filed the case seeking relief for possession of the flat along with compensation for causing mental harassment to the complainant besides house rent @12,500 per month w.e.f 1.1.2017 and interest @18% on deposited amount

The complainant has placed on record copy of agreement of sale, aadhaar card, and loan account statements.

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.

So far as claim of compensation is 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)