

**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/649/2021**

**Prashant Kumar Jha.....Complainant**

**Vs**

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

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

**06.01.2022**

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**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. 104 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/- including service tax. Agreement of sale was duly executed on 21-02-2015. The complainant has paid booking amount of Rs.3,81,948/- in favor of respondent. According to agreement of sale flat was supposed to be handed over by December 2016, but the flat has not been delivered till date nor the project has been completed except casting of without bricks and other internal ,external works. The Complainant has duly paid all the instalments as and when required up to December-16 as per the terms of Agreements,

after the lapse of this period also the Respondent approached the complainant after the approval of the project by RERA, Bihar for the payment of due instalment at that time also on 14-05-2019 the complainant paid Rs. 1,58,550/- in SBI A/c No. 37807366716 of AGRANI HOMES PVT.LTD. The stipulated time of RERA has also passed but the respondent is not in position to hand over the flat. Hence the complainant has prayed for possession of the flat and the adequate compensation from respondent to complainant for causing mental harassment to complainant besides house rent @ Rs.10,000/- per month w.e.f 1.1.17 under section 73 of contract Act and interest @18% under sec 2(z0) of RERA Act on deposit amount and compensation for delay in possession as per principle of law.

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

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 01<sup>st</sup> 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 1<sup>st</sup> 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)**