

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

**Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/659/2019**

**Dharmendra Krishna**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: PG Town**

**ORDER**

**04.02.2022**

This matter was last heard before Double Bench along with batch cases on 20.01.2022.

The case of the complainant is that he booked a flat no. 406 in Block A of PG Town by paying total sum of Rs. 10,90,000/- (Ten Lakh Ninety Thousand ) in various instalments on different dates. The complainant has submitted that till date neither the development work has been commenced nor the aforesaid project is registered with RERA. Since there was no development/construction of the project, complainant has prayed for refund of booking amount along with interest.

The complainant has placed on record copies of receipt bearing no. 706 for Rs. 50,000/- issued on 19.10.2015; receipt bearing no. 917 for Rs. 1,40,000/- issued on 28.01.2016; receipt bearing no. 3322 for Rs. 1,00,000/-issued on 31.08.2018, receipt bearing no. 2448 for Rs. 2,00,000/- issued on 27.09.2017; receipt bearing no. 2392 for

Rs. 2,00,000/- issued on 28.08.2017; receipt bearing no. 2301 for Rs. 2,00,000/- issued on 14.07.2017; receipt bearing no. 2553 for Rs. 50,000/- issued on 10.11.2017; receipt bearing no. 2552 for Rs. 1,50,000/- issued on 10.11.2017.

No reply has been filed by the respondent.

On the last date of hearing, the learned counsel of the complainant submitted that as there is no development in the project, directions may be given to the respondent to either refund the deposited money or hand over any alternative plot of 2-3 katha of land at market value either in Sonapur/ Patna/ Muzaffarpur.

The MD of the respondent company, who was present during hearing had sought permission to offer the plots in Prakriti Vihar to the complainant and to other such persons willing for exchange.

The Bench notes that the learned counsel of the complainant has filed an affidavit dated 25.01.2022 in which he expressed that the complainant is seeking an alternative piece of land equal and proportionate value of the consideration amount inclusive of interest in locality of Patna or near about Patna from the assets of the respondent company in lieu of the deposited money.

The Bench notes that the respondent has not yet submitted the map of the proposed plots in project Prakriti Vihar to the Authority for which a token penalty of Rs. 25,000 (Twenty Five Thousand Only) was imposed upon them. Since the penalty for violating the directions of the Bench has not been paid within a week of, action under Section 40 (1) and 40 (2) of the Real Estate (Regulation and Development)

Act, 2016 may be initiated to recover the said amount from the respondent.

Having heard the submissions of both the parties the Bench permits the respondent company to engage with the complainant and transfer alternate plot of equal and proportionate value of the consideration amount i.e. Rs.10,90,000 along with interest at the rate of Marginal cost of lending rate (MCLR) as applicable for three year from the date of deposit to the complainant.

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

Sd/-  
**Nupur Banerjee**  
(Member)

Sd/-  
**Naveen Verma**  
(Chairman)