

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Hearing Before the Bench of Hon'ble Chairman, Mr. Naveen Verma, &**  
**Member, Mrs. Nupur Banerjee, RERA , Bihar**

**Case No. :- RERA/CC/650/2019**

**Dinesh Kumar Sinha.....Complainant**

**Vs**

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

**Project : Agrani Sapphire**

**12/05/2021**

**Order**

The matter was posted for orders on 10-03-2022. However, due to other preoccupation, the Bench did not sit on that date and orders could not be pronounced.

The case of the complainant is that he booked a flat admeasuring 1750 sq.ft in block-“A” of the Project “Agrani Sapphire” for total consideration of Rs.22,00,000 ( Twenty Two lakh only) plus service tax on 19<sup>th</sup> February 2017. MOU was executed on 26th March 2017. The complainant was assured by the respondent that the project will start within 6 months from date of payment but till date the project has not started .The complainant states that he approached the respondent Mr. Alok Kumar, Managing director of the company several times but failed to contact him and hence he filed the present case for possession of flat as soon as possible or for a refund of the amount paid along with interest on it. Subsequently , during the course of hearing complainant made a prayer for refund of the amount paid.

The complainant has placed on record, KYC dated 19/02/2017, copy of Aadhar card, receipt dated 27/03/2017 for Rs.6,00,000 receipt dated 15.03.2017 for Rs. 16,00,000/-.

During the hearing held on 23.08.2021 the Authority had observed that Mr. Alok Kumar, MD of the respondent company had himself withdrawn from the said project and also expressed his inability to complete the project but he was ready to hand -over the project to another builder who will complete the said project and either give flat to the complainants or refund the amount. However, the respondent has not filed any reply despite specific directions on 01.02.2022 and hence the claim of the complainant is being admitted.

The Authority, therefore ,imposes a penalty of Rs 5000/- to be paid by the promoter within two weeks for not complying with its directions.

The Authority notes that the complainant on the last date of hearing submitted that as the project is cancelled he had no knowledge about further progress of the project and therefore requested for refund of principal along with interest.

The Authority observes that it is the responsibility of the promoter to arrange the necessary resources to make refunds to allottees. The Bench hereby directs the respondent company and their Directors to refund the amount paid by the complainant i.e. Rs. 22,00,000/- with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years or more plus one percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

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

Sd/-  
Nupur Banerjee  
( Member )

Sd/-  
Naveen Verma  
(Chairman)