

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/209/2019.

Chhaya Lal

.....Complainant

Vs

M/s Agrani Homes Pvt. Ltd.

.....Respondent

Project: IOB Nagar Block-J.

26/05/2022

ORDER

Hearing taken up.

Mr. N.K. Lal, husband of the complainant is present. Mr. Satwik Kumar, L.R. of the respondent is present.

The representative of the complainant submits that they complainant has paid Rs.26 Lakh , about 95% of the consideration amount to the respondent but the construction work of the project is slow; some allottees are creating obstructions; there is no responsible person from the company on site and it is unlikely that the promoter would hand over the projects as decided in other matters of J Block. He requests for possession of the flat as early as possible.

The L.R. of the respondent submits that the complainant booked 2 flat bearing no. 401 & 402, thereafter made a request to cancel the booking of flat no. 402. He submits that the consideration paid for flat no. 402 got adjusted in flat no. 401 after cancellation request.

The respondent requests for permission to cancel the booking of flat no. 402 and to offer the flat to someone else..

The Bench observes that the promoter is at liberty to cancel the booking . However, the flat which has become available , will be on lien with the Authority as a number of complaint matters and execution cases are being considered . The issue of relaxation would be examined separately.

The LR submits that the respondent will provide the flat in 6 months.

The Authority had given directions in a number of complaint cases pertaining to IOB Nagar, J Block that the respondent would hand over the possession of the flats with all amenities as promised in the prospectus/ agreement for sale by 31/07/2022 failing which the respondent will be liable to pay a fine of Rs. 10,000/- per day of the delay.

In view of the above directions the Bench is not inclined to give six months to complete the project as pleaded by the respondent. It is for the promoter to address the issues raised by this complainant and ensure that the time line is adhered to.

The Bench takes note of the submission of both the parties and directs the respondent would hand over the possession of the flats with all amenities as promised in the prospectus/ agreement for sale by 31/07/2022 The Bench further directs that if the respondent fails to handover the flat by 31/07/2022, they will be liable to pay a penalty of Rs. 10,000/- for every day of delay. .

With this direction and observation the complaint case is disposed of.

Sd/-
Naveen Verma
Chairman