

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

Case No. RERA/CC/267/2019

Amjad AliComplainant

Vs.

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

Project: - IOB Nagar, Block “P”

ORDER

04.07.2022

The matter was last heard on 27.05.2022.

The case of the complainants is that he booked a flat in the project IOB Nagar, Block – “P” and paid Rs.14,00,000/- to the respondent. Memorandum of understanding was executed on 1.07.2015. The complainant has alleged that as no construction was undertaken the complainant cancelled the booking on 24.04.2018. The complainant has filed the present case seeking relief for compensation .

The complainant has placed on record copy of M.O.U dated 01.07.2015, K.Y.C, and money receipt against the payment of Rs.14,00,000/- issued by the respondent.

On the last date of hearing the complainant submitted that Rs.14,00,000/- has been refunded by the respondent in 2019 and requested for refund of interest.

The Bench notes that despite directions to amend the complaint petition the complainant has not complied with the order.

After considering the documents filed and submissions made by both the parties and after perusal of the documents filed, the Bench observed that the present case is not maintainable before the Authority as the nature of relief is sought is of compensation.

In so far as the submission regarding interest is concerned, the Authority observes that a large number of cases for even partial refund are pending, and even final orders of the Authority in complaint cases filed by cancer patients and widows are not being complied by the promoter. In that event orders for payment of interest after refund of principal amount would be entertained after the partial compliance of such orders so that all classes of allottees are able to get some relief.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

With these direction and observation, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)