

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

Case No. CC/311/2019

Mrs. Nilam Sahay

...Complainant

Vs.

M/s Agrani Homes Pvt Ltd

... Respondent

Project: IOB Nagar (L Block)

ORDER

28.01.2022

This matter was last heard along with the batch cases by the Double Bench on 11.01.2022.

The case of the complainant is that she had booked a flat bearing no.210 on 2nd floor in respondent's proposed project i.e. IOB Nagar – Block L, having an area of 1010 sq. ft. She has made total payment of Rs.11,00,000/- (Eleven Lakh) against the consideration amount of the flat Rs.13,00,000/- (Thirteen Lakh). A MOU dated 10.08.2013 was entered into between the complainant and the respondent company and as per the MOU the flat was to be completed by 2016 with 6 months grace period. Since there was no development of the project, complainant has prayed for refund of booking amount along with interest.

Perused the records. The complainant has placed on record copy of cheques no. 320259 and 320260 and money receipt no. 562 along with registered MOU dated 10.08.2013.

The respondent has not filed any written submission. However, the Director of the respondent company along with his learned counsel was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench notes that in compliance of its direction given on the last date of hearing, the MD of the respondent company has filed a petition dated 12.01.2022 regarding raising resources to make payment/ adjustment to various allottees. On perusal of the petition, under heading “Prakriti Vihar”, Mr. Alok Kumar has stated that during hearing of K and L Block it was found that while a number of allottees want payment in cash, many allottees are seeking adjustment against a plot of land of Prakriti Vihar.

The Bench notes that the application of the respondent for Registration of his real estate project “IOB Nagar” was rejected through letter dated 06.09.2021. If the respondent do not want to continue with this project, Mr. Alok Kumar, MD of the respondent company may move for cancellation of agreement with land owner and submit joint affidavit as uploaded on the website of the Authority and demand draft of the ‘non’ amount so that some amount could be returned to the allottees of this project.

It is for the respondent to persuade the complainant to consider their offer of alternative plot or flat and the Bench cannot give any directions in this regard.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs.11,00,000/- to the complainant along 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 four percent from the date of taking the booking to 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)