

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

Case No. CC/816/2019

Kanhaya Prasad Sinha

...Complainant

Vs.

M/s Agrani Homes Pvt Ltd

... Respondent

Project: IOB Nagar, Sarai (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 he booked a 3 BHK flat in June 2018 in respondent's proposed project i.e. IOB Nagar – Block-L, bearing Flat No. 205 for total consideration of Rs.17,00,000 + GST (Seventeen Lakh Rupees) . He has submitted that he had deposited Rs.5,51,000 (Five Lakh Fifty One Thousand Rupees). The complainant applied for cancellation on 15.05.2019 after he came to know that his booking has been changed to 2 BHK flat in another block instead of 3 BHK. Since there was delay in the construction and his booking was changed, therefore complainant prayed for refund of money.

Perused the records. The complainant has placed on record Rs.51,000 on 09/06/2018 for which payment voucher

was issued dated 06.08.2018, Rs.1,50,000 vide cheque no. 021900 of CBI dated 09.06.2018 for which money receipt no 114 was issued dated 18.06.2018, Rs.3,00,000 vide cheque no. 021901 of CBI dated 16.06.2018 for which money receipt no 120 was issued dated 23.06.2018. Rs.50,000 vide cheque no. 021906 of CBI dated 15.10.2018 for which money receipt no 323 was issued dated 21.10.2018.

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. 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 Bench observes that 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 apparent from the documents filed by the complainant that notwithstanding the fact that the project was not registered, the promoter went ahead with new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo Moto proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Authority directs the respondent company and their Directors to refund the principal amount of Rs.5,51,000/- 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 two years 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)