

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Double Bench of Mr Naveen Verma, Chairman &

Mrs Nupur Banerjee, Member

Case No. RERA/CC/666/2019

Md. Gayasul Haque.....Complainant

Vs

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

Projects: Suraj Suman Block A

Present: For Complainant: In person

For Respondent : Mr. Pravin Kumar, Advocate

ORDER

2-12-2021

The matter was last heard along with the batch of cases before the double

6-12-2021

bench on 24.11.2021.

The case of the complainant is that the complainant had booked a flat bearing no. 305 in the project by making total payment of Rs 14,43,260/- vide cheque no. 187903 of Rs. 4,43,260/-, cheque no. 187901 of Rs. 5 lacs and cheque no.187902 of Rs. 5 lacs/-. The total consideration of the flat was Rs. 17,52,530/- and the possession was to be delivered by 31.07.2018. The complainant has further stated in the last 6 years, the complainant tried to contact the respondent company several times but in vain. It has further been submitted that a number of queries were raised by the office of Real Estate Regulatory Authority, Bihar but the respondent company chose not to furnish any of the documents as demanded by the Authority for reasons best known to them and it seems that the respondent company is not interested in pursuing the project and completing the same. The complainant has alleged that due to the act of the respondent company, mental and financial loss has been caused to the complainant and has therefore prayed for refund of the paid amount with interest @18%.

The complainant has placed on record undated memorandum of understanding, allotment letter issued by the company dated 16.08.2013, cheques bearing nos. 187901,187902,187903, receipt no. 926 for Rs. 14,43,260/- issued by company and KYC.

Perused the records of the case. No reply has been filed by the respondent company. The Bench notes that Mr. Alok Kumar, MD of the

respondent company has attended all the previous hearings virtually except the hearing conducted on 24-11-2021 and orally authorized Mr. Pravin Kumar to represent the respondent company. A penalty of Rs. 10,000/- was imposed upon the respondent company for his non-appearance which has not been deposited by the respondent company.

In previous hearings, the MD of the respondent company submitted that a number of FIRs have been lodged against him by the landowner Manish Kumar with whom Mr. Alok Kumar later has entered into a compromise wherein the landowner is ready to return the amount of around Rs. 1 Crore to the company.

The Bench was also informed that the respondent company was unaware of the development agreement executed between landowner and M/s Hira Panna Infra Projects Pvt. Ltd and upon learning the same, the respondent company cancelled 2 agreements out of 4 agreements with the landowner.

The Bench has taken note of the submissions of the parties. A penalty of Rs. 20,000/- was imposed upon the respondent company vide interim order passed on 07.10.2021 for not furnishing copies of FIRs filed against the respondent company along with the compromise agreement with the landowner, which has also not been deposited till date.

The Bench observed that the liability to refund the amount to the allottees is upon the respondent company and it is for them to arrange the money from whatever sources they desire.

After perusing the records and hearing the submissions of both the parties, the Bench hereby directs the respondent to refund the full amount paid by the complainant i.e. Rs. 14,43,260/- with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till date of payment within sixty days of issue of this order.

As far as the penalty of Rs. 30,000 (10,000 + 20,000) imposed upon the respondent company is concerned, the Bench notes that if the said amount is not paid within the period of 60 days as stated above, the same shall be recovered as arrears of land revenue as enumerated u/s 40(1) of the Act.

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman