

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Hon'ble Member

Case No. CC/394/2021

Sarita Kumari.....Complainant

Vs.

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

PROJECT: - IOB Nagar C2

31-03-2023

O R D E R

This matter was last heard on 17-11-2022 and was put up for order on 17-12-2022, but due to preoccupation of the Authority on the others matters, order couldn't have pronounced on the date fixed.

This complaint has been filed on 10-03-2021 seeking relief to direct the respondent to refund the amount with interest.

Perused the record of the case. The case of the complainant is that she had booked flats with the respondent company in OPB Ngar C2 project and had paid total amount of Rs.15 lakh but respondent has not handed over possession of flat.

On 24-03-2022, complainant submits an application stating that respondent has offered two proposals and out of which one proposal seems good to him in which respondent has offered to give flat in PG-1 in 36 months which she had accepted but respondent has not contacted her in furtherance of her acceptance. Moreover, the respondent has not specified the details of the flat offered to the complainant as to the flat no and

the floor on which it is situated. Therefore, the complainant pleads before this Bench to direct the respondent to enter into Agreement for Sale of the said flat with detail consideration price of flat and duration under which flat will be handed over to her.

The complainant has placed on record money receipts duly acknowledged and issued by the respondent along with Memorandum of Understanding dated 22-09-2018.

The respondent has filed reply on 29-09-2022 stating that respondent is ready to give physical possession of the flat in in PG-1 in 36 months but has not mentioned the details of the flat.

The Bench notes that interim order was passed on 19-07-2022, giving opportunity to respondent to provide the details of the flat which is going to be offered to complainant but it appears that respondent has not provided the same till date and also henceforth not appeared before the Authority.

During the last hearing on 17-11-2022, the complainant has reiterated her prayer for the possession of flat.

As the complainant has sought relief for the refund of the consideration amount along with interest in complaint petition but subsequently filed an application on 24-03-2022 for the possession of the flat and agreed with the offer of respondent with prayer to provide the details of flat to be offered. Since, the respondent has not provided the same till date. Hence, considering that the complainant is willing to take the possession of flat as reiterated during the last hearing also, therefore, the Bench hereby directs respondent to provide the flat to complainant in the light of reply filed on 29-09-2022 and

accordingly, execute registered Agreement for Sale providing the flat number offered in the said project along with other details as required and issue allotment letter to respect to allotted flat within 60 days of issue of this order.

With these directions and observations, the matter is disposed of.

**Sd/-
Nupur Banerjee
(Member)**