

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

Case No.CC/1095/2020

Usha Kiran..... Complainant

Vs.

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

Project: Agrani Angel

ORDER

18/11/2021

23.11.2021 This matter was last heard along with the batch of cases on 29/10/2021.

The complainant's case is that she had booked an apartment in project Agrani Angel by making one time payment which is mentioned in the schedule of the Memorandum of Understanding signed between the parties on 01/09/2015. She had paid Rs. 17,50,000/- and filed the money receipt dated 05/08/2015 for Rs 17,50,000/-. The complainant has requested for refund with interest after seeing no progress in construction.

Perused the records. The respondent has not filed any written submission. However the representatives of the respondent company have been present during hearings and have not refuted the claim of payment made by the complainant.

The Bench notes that the application for registration of the project has been rejected. The respondent company can always apply afresh with the requisite documents.

On the last date of hearing, dated 29/10/2021, Mrs. Alka Singh, Former Director and Mr. Alok Kumar, MD of the respondent company had pleaded before the Authority to return the original papers belonging to Agrani Angel Phase II as the landowner is ready to return the amount to the respondent company which will come around Rs. 35-40 lakhs.

The Authority had given certain directions on the last date laying down the protocol to be followed in such matters. The Authority observed that Mr. Alok Kumar, MD and Mrs. Alka Singh, Former Director of respondent company have not filed joint application on oath from the land owner and the promoter stating that they have mutually agreed to cancel the development agreement. The landowner was required to submit a demand draft of the said amount in favor of the Authority.

Since the respondent has not complied with the direction of the Bench in the hearing held on 29/10/2021, the Authority directs Mr. Alok Kumar, MD and Mrs. Alka Singh, former Director of the respondent company to pay a penalty of Rs 25000/- (twenty five thousand only) for non-compliance of the order of the Authority within a week of this order. If the said penalty is not paid within that period, an additional penalty of Rs 1000/-(one thousand) per day would be payable for each day of delay.

The Authority directs the Respondent Company and their Directors to refund the principal amount of Rs Rs 17,50,000/-to the complainant along with interest at the rate of the marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years or more plus one percent from the date of taking the booking within sixty days of issue of this order.

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

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)