

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

Mrs. Nupur Banerjee, Member

Case No. RERA/CC/1136/2020

Md. Nasir

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Nagar (Block – I)

06.01.2022

14.01.2022

ORDER

This matter was last heard along with the batch of cases before the double bench on 02.12.2021.

The fact of the case is that the complainant had booked a flat bearing no. 305 having super built up area measuring 1300 sq. ft. in Block – I, IOB Nagar, Main Phase by making total payment of Rs. 25,90,625/- vide cheque no. 014011 of Rs.25,00,000/- and cheque no. 014012 of Rs.90,625/-. The respondent company executed a registered deed of agreement for sale on 09.04.2016 in favour of the complainant. The total consideration of the flat was Rs.29,01,500/- and the possession was to be delivered by March,2017. Since there was no development /construction of project, the complainant had sent the cancellation letter on 14.09.2019 and asked for refund the amount paid and it was assured by the respondent that within 60 days, the

refund will be given but till now no refund has been made by the respondent. Therefore, complainant has prayed for refund of booking amount along with interest.

The complainant has placed on record registered deed of agreement for Sale dated 09.04.2016, Cheques bearing no.014011 and 014012 for which two money receipt dated 05.03.2016 for Rs.25,90,625/- issued by the company.

Perused the records of the case. No reply has been filed by the respondent company.

On the last date of hearing dated 02.12.2021, Mr. Alok Kumar, MD prayed that he may be permitted to enter into agreement with someone else in this case so that he can pay the amount of complainant.

The Bench was informed that the respondent has sold a flat to some else for a consideration but has not paid any amount to the original allottee for which a penalty was also imposed upon the respondent company. The Bench however notes that no evidence to this effect has been produced by the complainant. The respondent company has not clarified the status regarding the said sale.

The Bench directs Mr Alok Kumar, MD of the respondent company to submit a written application after which the Bench would consider the issue of sending a letter to IG Registration and District Sub Registrar.

The Bench directs the respondent company and their Directors to refund the principal amount of Rs.25,90,625/- 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 from the date of taking the booking within sixty days of issue of this order.

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)