

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

Mrs. Nupur Banerjee, Member

Case No: RERA/CC/1199/2020

Narendra Kumar

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Nagar (Block – I)

ORDER

06-01-2022

14.01.2022

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.101 on 1st floor of the project IOB Nagar, Main Phase Block – I by making total payment of Rs.31,31,234 /- (Thirty One Lakh Thirty One Thousand Two Hundred and Thirty Four Rupees) out of total consideration amount of the flat Rs.37,82,313/-. An agreement dated 25.02.2016 was entered into between the complainant and the respondent company and as per the agreement the flat was to be completed by June, 2017 with months grace period. The complainant has alleged that due to delay in completion and handing over of project the complainant has filed the case seeking relief for possession of the flat, in case of flat not being handed over in 2-3 months complainant has prayed for refund of booking along with interest and compensation for delay in project.

The complainant has place on record a copy of registered deed of agreement for sale dated 25.02.2016, Cheque bearing no.010855 dated 18.01.2016 of Rs.3,78,000 for which money receipt no.112 dated 18.01.2016 issued by the respondent

company, receipt no.114 dated 11.02.2016 for Rs.4,00,000, receipt no.1793 dated 30.03.2016 for Rs.11,26,617, receipt no.5032 dated 23.08.2016 for Rs.3,75,539, receipt no.5349 dated 29.12.2016 for Rs.3,75,539, receipt no.5716 dated 21.06.2017 for Rs.3,75,539, and receipt no.642 dated 24.04.2019 for Rs.1,00,000.

Perused the records of the case. The respondent has not filed any written reply.

During the last hearing dated 02.12.2021 complainant has orally submitted that he wants possession instead of refund. The Bench observed and directed the complainant to file an affidavit within two weeks amending their prayer in complaint from refund to possession. However upon checking the records, the Bench observed that the complainant had prayed for immediate handover of flat failing which refund in his complaint petition.

On the last date of hearing dated 02.12.2021 learned counsel Mr. Rakesh Kumar, representing association of allottees supported the contention of Mr. Alok Kumar, M.D of the respondent company in his affidavit of 25-11-2021.

The MD further submitted that they had changed the bank account and had opened new account in ICICI Bank, Boring Road branch in November, 2021. The Bench noted that as no one opposed the submissions. The respondent was directed to file an application as prescribed with bank statement so that outstanding balance should be transferred to new account before the Registration Wing informing that they have separated the account detail of 'I' block as per the direction of full bench.

Further, the Bench directed the respondent to file certified ledger account as of 01st November,2021 pertaining to 'I' block and also inform the registration wing of the same and on the submissions of same, the Registration Wing will notify the new account on the website. The Bench also directed the respondent to hand over the possession of flat to complainants within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default.

On the plea of relaxing restriction on the sale of unsold flats, the Bench observed that its direction to Mr. Alok Kumar, MD of the respondent company to file specific affidavit with the submissions regarding list of unsold flats and also the flats in respect of which registration is pending; a bar chart explaining how construction will be completed within 6 months; and a complete list of sold and unsold flats within 2 weeks have not been complied with by the respondent company. Therefore a token penalty of Rs 25,000 (Twenty Five Thousand Only) is imposed upon the respondent company for violating the directions of the Bench to be paid within a week of issuance of the order.

The Bench directs the promoter to file certified ledger account as of 1st November, 2021 pertaining to 'I' block and also inform the registration wing of the same

Having heard the submissions of both the parties the Bench hereby directs the allottee would make the balance payment of the consideration amount to the promoter who would then complete the flat and hand over possession to the complainant. The Bench reiterates its previous direction to the respondent company and their Director to hand over the possession of flat to complainant within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default. The Bench also directs the promoter to file certified ledger account as of 1st November, 2021 pertaining to 'I' block and also inform the registration wing of the same

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 and observations, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)

