

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

Mrs.Nupur Banerjee, Member

Case No: RERA/CC/1256/2020

Mrs. Gita Devi

...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.603 on 6th floor of the project IOB Nagar, Main Phase Block – I by making total payment of Rs.23,01,000/-(Twenty Three Lakhs One Thousand) out of total consideration amount of the flat Rs.25,00,000/- . An agreement dated 12.09.2017 was entered into between the complainant and the respondent company and as per the agreement the flat was to be completed by December,2017 with 6 months grace period. Since there was no development/construction of the project, complainant has prayed for refund of booking amount along with interest.

The complainant has place on record a copy of registered deed of agreement for sale dated 12.09.2017, Allotment Letter, Cheque bearing no.008244 of Rs.5,01,000 for which a money receipt issued by the respondent company and a copy of letter dated 24.10.2017

issued by ICICI Bank showing Home Loan sanctioned of Rs.20,89,010/-.

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 they want possession instead of refund. The Bench directed to complainant to file an affidavit within two weeks amending their prayer in complaint from refund to possession.

The Bench notes that the complainant has not complied with the direction given on the last hearing dated 02.12.2021. The Bench therefore will not take into consideration the oral submission of changing the relief claimed.

On the last date of hearing dated 02.12.2021 learned counsel Mr. Rakesh Kumar, representing association 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 Nov, 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 respondent company and their Directors to refund the principal amount of Rs.23,01,000/- 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 till the date of refund within sixty days of issue of this order.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)