

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Double Bench of Mr. Naveen Verma, Chairman**

**and Mrs. Nupur Banerjee, Member**

**Case No.CC/1291/2020**

**Praveen Kumar..... Complainant**

**Vs.**

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

**Project: Agrani Angel, Phase 1, Block B & C**

**O R D E R**

18/11/2021

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23.11.2021

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

The complainant's case is that he had booked an apartment/-, in Project Agrani Angel on 31/05/2015 for a total consideration of Rs 30,75,000/- out of which paid Rs 3,01,000 and filed the money receipt dated 31/05/2015 for Rs 1,01,000/- and 22/12/2015 for Rs 2,00,000/-. The complainant has requested for refund with current interest and compensation for mental torture.

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 3,01,000/- 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)