

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

Case Nos. RERA/CC/1629/2020

Kumari Parmila

...Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent

Project: - IOB Nagar Block B

ORDER

15/09/2022

The matter was last heard on 26.08.2022.

The case of the complainant is that she booked a flat in the project IOB Nagar, B Block in 2012 and paid Rs. 12,50,000/- under onetime payment scheme. The complainant has stated that the respondent failed to handover the flat as per the registered agreement executed between the parties. The complainant had initially prayed for flat in the complaint petition with compensation.

On the last date of hearing, the learned counsel for complainant requested for refund with interest. The complainant has subsequently filed a petition to amend the prayer of the complaint petition from possession to refund.

The complainant has placed on record copy of agreement for sale dated 07/11/2012, account statement and money receipt.

Perused the record. The respondent has filed a reply stating therein that the complainant wants refund and she is not interested in the possession of the flat. The respondent has further submitted that he will refund the paid consideration after selling the flat.

The Authority observes that interim directions had been issued by which the registration authorities have been requested not to execute any deed by the respondent company. In the present matter, the respondent had agreed to refund the deposit to the complainant after selling the flat, and to that extent the ban on registration is relaxed. The respondent would offer this flat to sale to such complainants of other projects who might be interested.

The Authority observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard orders are being pronounced.

The Authority recalls that it had also imposed a penalty of Rs.5,000/- which has to be deposited immediately, and not later than two weeks, with the Authority failing which action for recovering the same as arrear of land revenue as provided in Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 read with rule 25 of the RERA, rules shall be taken.

After considering the submissions made , the Authority hereby directs the respondent and its Directors to refund the remaining paid consideration of Rs. 12,50,000/- 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 plus six percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

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

Sd/-
Naveen Verma
(Chairman)