

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Full Bench of Mr. Naveen Verma, Chairman, Mr.
R.B. Sinha, Member and Mrs. Nupur Banerjee, Member

Case No.CC/166/ 2021.

Preeti Verma

..... **Complainant**

Vs.

Agrani Homes Pvt. Ltd.

..... **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The complainant stated that she has made payment of Rs.6.00lakhs. Her prayer is for refund of her investment because she has cancelled the booking after learning that matters of Agrani Group are being dealt in RERA. The case of the complainant is that after cancelling the booking the deposited amount has not been refunded to her by the promoter.

Perused the records. The MOU dated 30.11.2019 filed by the complainant mentions her along with Smt. Neelam Kumari as co-purchaser for an apartment for a total consideration amount of Rs.24.69 lakhs against which Rs.6.00lakhs has been paid. The complainant has filed a copy of various receipts issued in her name in the year 2019. A copy of the application for refund dated 9.2.2020 has also been filed.

It is apparent from the documents filed by the complainant that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 6.00 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent to the complainant and the co-purchaser Smt Neelam Kumari within sixty days of issue of this order.

Sd/-
Naveen Verma
(Chairman)

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

