

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/1762/ 2020.

Madhuri Kumari

..... **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.10,000/- 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 had made onetime payment of Rs.13 Lacs but she wants an apartment . The Bench noted that the project is not registered as yet. She is directed to clarify whether she is willing to wait further or would like to take a refund.

Perused the records. 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 Director of the respondent company stated during hearing that his application for registration is pending. Registration Wing is requested to process the application on priority so that the Authority is able to take a considered decision considering the capability of the promoter toraise the finances for construction.

The Authority directs the respondent company to give a time frame within which an alternative apartment would be made available to the allottee.

Put up on 13.9.2021.

Sd/-
Naveen Verma
(Chairman)

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

