

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

**Complainant Case No. RERA/CC/284/2019**

Ashutosh Kumar.....Complainant

Vs.

M/sAgrani Homes Real Services Pvt. Ltd.....Respondent

**Project: - Maurya Palace**

**ORDER**

**04-01-2022**

The matter was last heard on 30-11-2021.

The complainant had filed this case on 27.2.2019. This matter was heard along with numerous other cases pertaining to the same promoter till a decision was taken in June 2021 to take up cases project wise.

The case of the complainant is that he had booked two flat bearing Flat No.301& 306 on 3<sup>rd</sup> floor in block – B, measuring 1213sq.ft each in the project Maurya Palace under onetime payment scheme of Rs. 36,00,000/- (Thirty six lakhs). It has been further submitted by the complainant that he had paid an amount of Rs. 33,08510/- in respect to booking of both flat but since no construction work had been initiated even after expiry of more than 4.5 years of making the full payment , he filed the complaint seeking refund of the amount paid with interest.

The complainant has placed on record money receipts dt.22-09-2014 for Rs.8,24,720/-, dt.08-08-2015 for Rs.4,41,000 /-, dt.07-09-

2016 for Rs.4,15,000/-, dt.08-12-2014 for Rs.6,18,540/-, dt.08-08-2015 for Rs.5,17,500/-, dt.07-09-2016 for Rs.5,18,750/-, totaling to Rs.33,35,510/- issued by respondent company in respect of payments made by him.

The respondent has filed its reply on 12-04-2019 & 21-08-2019, stating therein that, they were ready to pay the actual amount which the complainant has deposited in the company. Further, the respondent has filed its reply on 16-02-2021, 18-02-2021 & 05-03-2021 in response to batch of cases where this case was also listed but no specific reply has been made therein related to this project.

The complainant has filed rejoinder on 10-03-2021, stating therein that the respondent has not complied with the earlier direction given by the authority on different date of hearing.

The Bench notes that a number of interim orders were passed in the batch cases listed as Suman Kumari and others versus M/s Agrani Homes Real Services Pvt Ltd which have been reiterated by the complainant at various occasions. These orders have not been complied in full. Legal Cell of RERA is requested to take follow up action for implementation of such interim orders that have not been complied.

The Bench observes that the respondent failed to appear despite notices having been sent and the penalty of Rs. 10,000/- and Rs. 25,000/- was imposed on the respondent for the non-appearance before the bench on 19.10.2019 and 30.11.2021, respectively.

The Bench directs that action under sections 40(1) and 40(2) of the Act may be initiated against the respondent company to recover the amount of penalty if they fail to deposit the whole amount of penalty

i.e.Rs.35,000/- along with applicable interest within a week of this order.

During the last hearing on 30.11.2021, the complainant had made the submission that the respondent has refunded Rs.12 lakh out of the deposited amount of Rs.33,08510/- and the remaining amount of Rs. 21,08510/- is still due.

On the basis of the submissions and taking into consideration the documents filed, the Bench directs the respondent company to refund outstanding payment along with interest on such amount at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus four percent from the date of taking the booking till repayment within sixty days of issue of this order.

The matter is accordingly disposed of.

**Sd/-**  
**Nupur Banerjee**  
**Member**

**Sd/-**  
**Naveen Verma**  
**Chairman**