

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

Complainant Case No. RERA/CC/378/2019

Prajwal Kumar.....Complainant

Vs.

M/s Agrani 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 flat in Maurya Palace project and had paid total amount of Rs.16 lakh (starting from November 2014) as consideration amount for the flat and additional amount of Rs.73,000/- for executing the sale deed. The complainant submitted that the respondent had assured to hand over the possession of the flat by March, 2017 but since failed to deliver the possession of flat then the complainant had cancelled the flat as he had taken loan and requested the respondent to refund the amount paid. He further states that after considerable follow up, the respondent had refunded Rs.8 lakh but remaining amount is still due and has filed the complaint for refund the remaining amount.

The complainant has placed on record money receipts dt.25-11-2014 for Rs.1,70,000/-, dt.04-11-2015 for Rs.2,00,000 /-, dt.23-04-2015 for Rs.6,00,000/-, dt.13-09-2014 for Rs.2,00,000/-, dt.29-03-2014 for Rs.51,000 /-, totaling to Rs.12,21,000 /- issued by respondent company in respect to payments made. Complainant has also placed on record bank account statement of Bandhan Bank, showing transaction dt.04-07-2016 for Rs.1,50,000/- & dt.21-09-2016 for Rs.3,00,000/- paid to respondent company.

The respondent has not filed any specific reply in this case but during the hearing of batch of cases where this case was also listed, MD Alok Kumar appeared along with his counsel and have not refuted the submission of the complainant. During the hearing on 16-10-2020, where with the batch of cases, this case was also listed and during the hearing, MD Alok Kumar, requested the Authority to use the funds available from sale of property to Ruban Hospital to refund the deposits of the complainants.

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 matter of sale of property to Ruban Hospital and recovery of dues there from may be specifically examined in the light of the interim directions of the Authority as the Bench is of the view that the entire amount has not been received from the Ruban Hospital

and hence the complainant has not been able to get a refund of his investment.

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 only Rs.4,11,000/- is remaining to be refunded by the respondent and requested to direct the respondent to refund the remaining amount with interest.

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.

With these directions the matter is disposed of.

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman