

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

**Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/545/2019**

**Anuradha Pandey**

**...Complainant**

**Vs.**

**M/s Agrani Homes Pvt. Ltd.**

**...Respondent**

**Project: IOB Nagar (Block – I)**

**06.01.2022**

**14.01.2022**

**ORDER**

This matter was last heard along with the batch of cases before the double bench on 02.12.2021.

The fact of the case is that the complainant had booked a flat bearing no.404 of the project IOB Nagar, Main Phase Block – I by making total payment of Rs.16,00,000/- (Sixteen Lakh Rupees) out of total consideration amount of the flat Rs.34,99,766/-. An agreement dated 13.08.2016 was entered into between the complainant and the respondent company and as per the agreement the flat was to be completed by June,2017 with 6 months grace period. Since there was no development/construction of the project, complainant has prayed for refund of booking amount along with interest and compensation.

The complainant has place on record a copy of registered deed of agreement for sale dated 13.08.2016, money receipt no. 475 dated 05.01.2014 for Rs.2,50,000, receipt no.1206 dated 30.05.2014 for Rs.7,00,000, receipt no.490 dated 12.01.2014 for Rs.2,50,000 and receipt no.609 dated 01.03.2014 for Rs.4,00,000.

Perused the records of the case. The respondent has not filed any written reply.

During the last hearing dated 02.12.2021 complainant has orally submitted that they want possession instead of refund. The Bench directed the complainant to file an affidavit within two weeks amending their prayer in complaint from refund to possession.

The Bench notes that the complainant has not complied with the direction given on the last hearing dated 02.12.2021. The Bench therefore will not take into consideration the oral submission of changing the relief claimed.

On the last date of hearing the Bench directed Mr. Alok Kumar, MD of the respondent company to file specific affidavit with the submissions regarding list of unsold flats and also the flats in respect of which registration is pending, within 2 weeks. The Bench also directed the respondent to file on oath a complete list of sold and unsold flats and a bar chart explaining how construction will be completed within 6 months. However, the directions have not been complied with by the respondent company. Therefore a token penalty of Rs 25,000 ( Twenty Five Thousand Only) is imposed upon the

respondent company for violating the directions of the Bench to be paid within a week of issuance of the order.

Having heard the submissions of both the parties the bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.16,00,000/- 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 three percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

**Sd/-**  
**Nupur Banerjee**  
(Member)

**Sd/-**  
**Naveen Verma**  
(Chairman)