

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Members**

Case No.CC/649/2019

Ashok Kumar Singh..... Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.....Respondent

Project: I.O.B. Nagar Block- 'K'

ORDER

20/01/2022 The matter was last heard before the double bench on 06-01-2022.

The complainant's case is that he had booked a Flat bearing Flat No. 804, on 14-01-2017, measuring 1626 sq.ft.in project I.O.B. Nagar Block- 'K' and paid Rs.4,65,959/-. He further states that on 19-04-2019, the respondent had asked him to cancel the booking and had promised to refund the deposited amount with an interest of 5% i.e. Rs.5,14,792/- before 05-06-2019 in 7 installments but till now, they had refunded only 1.5 lakh and rest amount is still due and requested to direct the respondent to refund the same with interest and compensation.

The complainant has placed on record money receipts dt.16-01-2016 for Rs.3,65,959/- and dt.17-01-2017 for Rs.1,00,000/-, totalling to Rs.4,65,959/-. Further, complainant had placed letter dt.19-04-2019 written to respondent company regarding cancellation of flat, payment refund schedule, issued by the respondent company.

The respondent has not filed any specific reply in this case but during the course of hearing on 06-01-2022 where in the batch of cases, this case was also listed, Mr. Alok Kumar, MD of the respondent company had submitted that the respondent company is ready to offer plots to the complainants in Prakriti Vihar project. However his proposal was not accepted by the complainant who reiterated his request for refund.

The Bench observes that the registration of the Project- Prakriti Vihar has been rejected by the Authority. The Authority can consider the request for permission to sell the plots and arrange money to refund the amount to the complainants and other allottees only if the respondent submits a written application in this regard.

The Bench also observes that the application of registration of Project "I.O.B. Nagar Block -K" has been rejected by the Authority by order dated 02.09.2021.

The Bench notes that, a petition has been filed on 14-01-2022 on Rs. 10 stamp paper duly notarised wherein Mr. Alok Kumar has made certain prayers and also mentioned about various other projects. In the petition, on page 9 under the heading "Agreement and Registry Fund", Mr. Alok Kumar has stated that registration of some flats are pending as it was restrained by an order of the Authority. Mr. Alok Kumar has given on oath to pay Rs. 63 lacs to the Authority after the ban on registration is revoked by the Authority. Mr. Alok Kumar has also furnished list of vacant flats in different projects and has sought permission from the Authority to sell these flats and pay money to the aggrieved allottees.

The Authority notes that it is the responsibility of the Directors of the respondent company to arrange the necessary resources to enable refund to the complainant and other aggrieved allottees. Taking into consideration the prayer of Mr. Alok Kumar regarding lifting of ban on registration, the Authority decides to consider the matter on case to case basis, only in respect of projects where there are no complaint cases pending, on the condition that the amount received after registration would be deposited in RERA for making further payments to the aggrieved allottees. In so far as sale of vacant flats are concerned, the lien taken by

the Authority can be lifted on case to case basis, but such sale shall be duly monitored by the Authority, and would be considered only in respect of projects where there are no complaint cases pending, on the condition that the amount received after registration would be deposited in RERA for making further payments to the aggrieved allottees. The respondent company shall initially receive the consideration amount of the flats and will then transfer the same to the Authority for purpose of releasing it to the aggrieved allottees.

After considering the documents filed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the outstanding principal amount of Rs 3,15,959/- 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 two years from the date of taking the booking within sixty days of issue of this order.

So far as the claim of compensation is concerned, the complainant is at liberty to approach the court of Adjudicating Officer.

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

Sd/-

Naveen Verma
(Chairman)

Sd/-

Nupur Banerjee
(Member)