

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/751/ 2019.

Ravi Kant Das **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was heard along with the batch cases in the Bench of Mr. R. B. Sinha, Member on 26.3.2021. The Respondent Company was directed to file reply and timeline for refund of deposits along with interest within 2 weeks. Subsequently it was put up before 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 share of unsold flats held by the Directors of the Company. The promoter was also required to file an affidavit about the ownership of land on which this project is proposed to be constructed. They have also 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 case of the complainant is that he had booked apartment in Block-K in IOB Nagar, Sarari and paid total amount of Rs.18.30 Lacs and MOU was signed on 25.6.2017. He had booked apartment in. The complainant has filed a copy of receipt and copy of the application for refund on 3.12.2019.

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. Mr Alok Kumar, Director of the company has admitted before the Authority on the last hearing that he has taken the amount of booking from many customers.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal along with interest on Rs.18.30 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking within sixty days of issue of this order.

Sd/-
Naveen Verma
(Chairman)

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

