

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

Mrs. Nupur Banerjee, Member

Case No: RERA/CC/813/2019

Deepak Kumar Sinha

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Nagar (Block – I)

ORDER

06.01.2022

14.01.2022

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.G03 on ground floor of the project IOB Nagar, Main Phase Block – I by making total payment of Rs.22,93,000/- (Twenty Two Lakh Ninety Three Thousand Rupees) out of total consideration amount of the flat Rs.29,12,660/- is fixed by Anil Kumar Sinha, staff of Agrani Home Pvt. Ltd . An agreement dated 30.07.2018 was entered into between the complainant and the respondent company and as per the agreement the total consideration amount of the flat Rs.20,69,760 and the flat was to be completed by December,2018 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.

The complainant has placed on record a copy of registered deed of agreement for sale dated 30.07.2018, A handwritten money receipt dated 06.07.2018 for Rs.1,00,000 and dated 13.07.2018 for Rs.7,00,000 issued by Anil Kumar Sinha, staff of

Agrani Home Pvt. Ltd. Cheque bearing no.449910 dated 06.07.2018 of Rs.2,51,000 for which money receipt no.146 dated 07.07.2018 issued by the respondent company, a copy of undated arrangement letter issued by SBI, Patna showing sanctioning of Home Loan Rs.16,50,000 and copy of Registration Certificate of Project, Form "C" dated 17.12.2018 issued by RERA, Bihar showing validity of project is from 17.12.2018 to 31.12.2019.

Perused the records of the case. The respondent has not filed any written reply. However, the Director of the respondent company has been present on the last date of hearing and has not challenged the submission of the complainant.

During the last hearing dated 02.12.2021 complainant has orally submitted that they want possession instead of refund. The Bench observed and directed to 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.

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.29,12,660/- 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 till the date of refund within sixty days of issue of this order.

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

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)