

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

Mrs. Nupur Banerjee, Member

Case No: RERA/CC/907/2020

Rameshwar Nath Prasad

...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.202 on 2nd floor of the project IOB Nagar, Main Phase Block – I by making total payment of Rs.24,95,740/- (Twenty Four Lakh Ninety Five Thousand Seven Hundred and Forty Rupees) out of total consideration amount of the flat Rs.29,95,000/-. An agreement dated 18.02.2013 was entered into between the complainant and the respondent company and as per the agreement the flat was to be completed by December,2014. Since there was no development/construction of the project, complainant has prayed for refund of booking amount along with interest.

The complainant has place on record a copy of registered deed of agreement for sale dated 18.02.2013, copy of money receipt which issued by the respondent company to the complainant receipt no.1422 dated 02.12.2012 for Rs.2,88,136, receipt no.1432 dated 06.02.2013 for Rs.4,32,204, receipt no.546 dated 03.12.2013 for Rs.2,95,000, receipt no.1620 dated 04.05.2015 for Rs.2,95,900, receipt no.1224 dated 14.12.2015 for Rs.2,95,900, receipt no.5451 dated 10.02.2017 for Rs.2,00,000, receipt no.5560 dated 23.03.2017 for Rs.2,95,900 and receipt no.5718 dated 23.06.2017 for Rs.2,95,900 and a hand written details of payment to the respondent company .

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 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.

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.24,95,740/- 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 or more plus two percent 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)