

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Mr Naveen Verma, Chairman,
Mr R.B. Sinha & Mrs. Nupur Banerjee, Members

CC/962/2020

Mrs. Sushma Srivastava.....Complainant

Vs

M/s Agrani Homes Pvt LtdRespondent

Project: Galaxy Block C

16/09/2021

ORDER

The matter was last heard on 9/9/2021.

The case of the complainant is that she has paid Rs 14.55 lakh against a total consideration amount of Rs 40.88 lakhs. However finding that the work had not started and the accounts of the respondent was blocked she requested for a refund and even sent a legal notice to this effect. She has stated that the promoter did not send a reply to her legal notice. She has filed a copy of the registered MoU with the respondent company signed on 20/06/2018 as well as receipts for various payments made in 2018.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company has not challenged the submission of the complainant. Mr. Alok Kumar, Director of the respondent company had admitted during hearing that while the project Galaxy A and Galaxy B have been completed but due to land dispute work in Galaxy C has been held up.

The Authority observes that notwithstanding the fact that the promoter did not have legal title to the land and the project was not registered, the respondent company made new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

The Authority notes that the respondent company and its Directors are bound to make the refund to allottees, and it is for them to settle the dispute, if any, with the land owner and recover money from them.

The Authority directs the Respondent Company and their Directors to refund the principal amount of Rs.14.55 lakhs 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 plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Sd/-
Nupur Banerjee
Member

Sd/-
R.B. Sinha
Member

Sd/-
Naveen Verma
Chairman