

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Bench of R. B. Sinha and Dr S . K. Sinha, Members of the RERA, Bihar

RERA Case No. CC/113/2018

Mr Rajeev Kr Pandey.....Complainant

Vs

M/s Agrani Homes Real Construction PvtLtd.....Respondent

**Present: For the Complainant: In person
For the Respondent:- Mrs Manisha Singh, Advocate**

09/04/2019

O R D E R

1. Mr Rajeev Kumar Pandey, S/o Mr Rameshwar Pandey and resident of Flat I/1201, Sethi Max Royal, Sector-76, Noida-201301 has filed a complaint petition on 15th October 2018 under Section 31 of the Real Estate (Regulation & Development) Act, 2016 against M/s Agrani Homes Real Construction Pvt Ltd for refund of the principal amount of Rs 6,00,000/- paid by him in May 2016 for the booking a 1400 square feet apartment no 105 in Block C of the Project Agrani Emerald, proposed to be developed at MahuaBagh, Jagdeo Path, Patna.. He has enclosed the receipt of payments, issued by the respondent company.
2. The total consideration of the Project was Rs 31.50 lakhs excluding utilities and Service Tax. The Complainant had agreed to pay an additional Rs 3 lakh for amenities. The Complainant claimed that he paid the booking amount based on the brochure of the project and online advertisements of the promoter on the assurance that the project would be completed by 2018. He stated that in spite of payment of more than 10 per cent of the total cost of the Apartment, no agreement was entered into by the company.

3. He stated that he tried to repeatedly contact the project officials to ascertain the progress of the project but no project status was shared with him for almost a year. Then, he requested for refund of his money. The Respondent company however refused to refund the booking amount stating that they would need a written request for refund before they could pay back his money. Thereafter the Complainant travelled to Patna 26th November 2017 to complete the formalities. He stated that he was forced to forgo the demand for interest to get the principal amount within three months. But he has not been paid anything till date.
4. The Complainant stated that the company's unprofessional behaviour has given him mental trauma time and again. He spoke to them several times and sent a number of emails but didn't get any response. He suspected that the management had siphoned the money to some other projects. He has sought relief of refund of the principal amount along with 24 percent interest from the date of deposit to the date of refund. He has also claimed reimbursement of all legal cost.
5. In pursuance to the receipt of the complaint petition, a notice was issued to M/s Agrani Homes Real Construction Pvt Ltd through their MD, Mr Alok Kumar on 16th November 2018 for their response within two weeks.

Response of the Respondent Company:

6. Ms Manisha Singh, learned counsel for the respondent company in her response dated 3rd December 2018 stated that as the senior counsel was out of station and the matter required his in-depth examination of the issues involved, the date of submission may be extended by a week to enable the company to file proper statement of facts before the Authority. However no response was filed by the Respondent Company thereafter.

Hearing:

7. On the date of hearing on 14/03/2019, no authorised representative or MD/Director turned up on behalf of the respondent company whereas the

complainant was present in person. However, an employee of the respondent company handed over a post dated cheque of Rs 6,00,000/- to the complainant. The company however, did not contest the complainant's allegation that the project has not even started in the last two and half years and no work has been done. On the other hand, the complainant submitted a detailed representation, enclosing therewith the copy of brochure of the project, copies of the emails he had sent to the respondent company etc.

Order:

8. In view of the fact that the respondent company has not even commenced the project in the last two and half years and have not refunded the principal amount along with due interest to the complainant on their own initiative or when repeatedly requested by the complainant, it is ordered that the respondent company should pay the interest @ MCLR of the State Bank of India plus two percent from the date of deposit to the date of refund to the complainant. The post-dated cheque for the principal amount has already been handed over to the complainant on 14/03/2019 in the office of the Authority. It is confirmed that the Complainant has since received the principal amount. The complainant is also allowed the legal cost of Rs10,000 only.

Sd
(R. B. Sinha)
Member

Sd
(Dr S. K. Sinha)
Member