

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No. RERA/CC/992/2021

Ashok Kumar Tiwari

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Nagar (Block – I)

Present: For Complainant: Mr. Binod Kumar Sinha, Advocate

For Respondent: Mr. Alok Kumar, MD

ORDER

28-02-2022

This matter was last heard along with the batch cases before the bench on 17.01.2022.

The case of the complainant is that he had entered into agreement dated 03.06.2016 for the purchasing of Flat bearing no. 401 along with car parking space in the project IOB Nagar, Block – I. He had paid a sum of Rs.22,95,758/- out of total consideration amount of the flat Rs.29,68,321/- The complainant alleged that due to delay in completion and handing over of project, the complainant has filed the case seeking relief for handing over the flat.

The complainant has placed on record an account statement of State Bank of India, Patna for the period between 22.06.2016 to 31.03.2020, showing the transaction dated 22.06.2016 for Rs.13,45,112, dated 07.01.2017 for Rs.3,36,278 and dated 14.06.2017 for Rs.3,36,278, totalling to Rs.20,17,668 in respect to

payments made to respondent company and as per agreement dated 03.06.2016 on record, the complainant had paid Rs.2,78,090 as advance at the time of executing the sale agreement.

The respondent has not filed any specific reply in this case. However, Mr. Alok Kumar, Managing Director of the respondent company was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

During the hearing on 07.12.2021 the complainant has submitted that he had booked a flat in IOB Nagar Block –I and he is part of association of allottees and further that he wants the possession of flat. It has further also been submitted by the complainant that the agreement for sale is not executed by the respondent till date and requested to direct the respondent to execute the same.

Mr. Alok Kumar, MD, during the hearing on 07-12-2021, has submitted on behalf of the respondent company that construction of the project is going on and prayed to give specific direction to the registry office to execute agreement for sale to remaining allottees of Block – I and to give specific direction to the bank for releasing the loan to the allottees of this block.

During the last date of hearing on 17-01-2022, learned counsel for complainant submitted that agreement for sale is not executed by the respondent so far and requested to direct the respondent to execute the same, so that they can take loan.

Mr. Alok Kumar, MD present in person on the behalf of respondent company had submitted that construction is going on and reiterates his prayer made before double bench hearing on 2-12-2021in

RERA CC/1563/2020 along with batch of cases in IOB Nagar, 'I' Block project regarding giving specific direction to Registry office to execute agreement for sale to remaining allottees and to give specific direction to bank for releasing the loan to allottees of this block.

On the basis of submissions and taking into the consideration the documents filed, the bench directs the respondent company to handover the possession of flat to complainant within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default and to file certified ledger account as of 1st November,2021 pertaining to 'I' block and also inform the registration wing of the same and on the submissions of same, the Registration Wing will notify the new account on the website accordingly IG Registration may inform District Sub Registrar.

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

Sd/-
Nupur Banerjee
(Member)