

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman

& Mrs. Nupur Banerjee, Member

Case No. CC/708/2019

Shankar Jha.....Complainant

Vs

M/s Agrani Homes Pvt Ltd.....Respondent

Project: IOB Nagar Block S

ORDER

05-05-2022

The matter was last heard on 24.02.2022 and posted on orders on 13-04-2022. However, due to other preoccupation, the Bench did not sit on that date and orders could not be passed.

The case of the complainant is that he booked a 3BHK flat measuring 1300 sq.ft in IOB Nagar (Block S & T) by paying Rs. 16,81,875/- (Sixteen lakhs eighty one thousand eight hundred seventy-five only) as a one-time payment on 05.10.2015. It has been alleged by the complainant that the construction work on the project did not start till December 2015 and he was told that the map has not been approved, and consequently the agreement could not be executed. After several requests, respondent started to return the amount in instalments from 14.09.2016 onwards. Till 03.02.2018 respondent has returned the principal amount of Rs. 14,00,000/- (Rupees fourteen

lakh only), and Rs, 2,81,875 is still due. Now, the respondent has stopped the instalment payment. The rate of the same flat is Rs. 40,00,000/- with other parking and miscellaneous charges of Rs. 30,00000/-. Hence, the complainant has filed the complaint and prayed for a refund of the remaining principal amount along with the interest Rs. 7,50,882 and compensation of Rs. 20,00000/- (Rupees Twenty lakh only) for mental harassment.

The complainant has placed on record a copy of the development agreement dated 28.10.2013 signed between the respondent and landowner, a copy of the request letter made to the respondent to refund the amount, money receipt duly acknowledged by the respondent company for the payment of Rs. 16,81,875/- and payment schedule of the money return by the Agrani Homes Pvt. Ltd.

Perused the record. Neither any reply has been filed by the respondent nor have they rebutted the submission of the complainant. On the last date of hearing, the complainant submitted that Rs 14,00,000/- (Rupees Fourteen Lakh Only) had been refunded by the respondent and prayed for a refund of the due money along with interest. The learned counsel for the respondent submitted during course of hearing that the complainant is not interested in another offer proposed by him and prayed for a passing order for refund.

After considering the documents filed and submissions made, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs. 2,81,875/- (Rupees Two lakh eighty one thousand eight hundred seventy-five only) to the complainant along with interest at the rate of the marginal cost of fund

based lending rates (MCLR) of State Bank of India as applicable for three years plus three percent from the date of taking the booking within sixty days of issue of this order.

So far as the claims in the nature of compensation are concerned, the complainant is at liberty to approach the Adjudicating officer.

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

Nupur Banerjee
(Member)

Naveen Verma
(Chairman)