

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**2 nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10, Patna -800023**

**Hearing Before the Double Bench of Hon'ble Chairman, Mr. Naveen  
Verma, & Hon'ble Member, Mrs. Nupur Banerjee**

**Case No. :-RERA/CC/363/2021**

**Madan Kumar Srivastava.....Complainant**

**Vs**

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

**Project: I.O.B Nagar, Block :I**

**06.01.2022**

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**14.01.2022**

**Order**

This matter was last heard before Double Bench on 2.12.2021.

The case of the complainant is that he booked flat no. 103 in Block "I" having super built up area 880 sq.ft in the project I.O.B Nagar Main Phase with total consideration amount of Rs.20,65,924 and executed agreement of sale on 5.12.2014. The complainant has made payment of Rs.18,62,481 the details of which as follow:- Rs.1,85,932 vide cheque 601603 for which money receipt no. 1075 dated 27.01.2013 was issued, Rs.1,05,000 vide cheque no. 544406 for which money receipt 371 dated 14.09.2014 was issued, and Rs.15,71,549 via home loan in various instalments. However, due to delay in completion of project the complainant has filed the case seeking relief of possession of the flat.

The complainant has placed on record money receipts dated 27.01.2013,14.09.2014, cheque no. 544406, copy of agreement of sale,voter id card and aadhaar card, loan account statements,allotment letter, and KYC.

Perused the records. The respondent has not filed any written reply.

On the last date of hearing dated 02.12.2021 learned counsel Mr. Rakesh Kumar, representing association supported the contention of Mr. Alok Kumar, M.D of the respondent company in his affidavit of 25-11-2021.

The MD further submitted that they had changed the bank account and had opened new account in ICICI Bank, Boring Road branch in Nov, 2021. The Bench noted that as no one opposed the submissions the respondent was directed to file an application as prescribed with bank statement so that outstanding balance should be transferred to new account before the Registration Wing informing that they have separated the account detail of 'I' block as per the direction of full bench.

Further, the Bench directed the respondent to file certified ledger account as of 01<sup>st</sup> 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. The Bench also directed the respondent to hand over the possession of flat to complainants within 6 months and in case of default, they would be liable to pay Rs.10,000/- for each day of default.

On the plea of relaxing restriction on the sale of unsold flats, the Bench observed that its direction to 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; a bar chart explaining how construction will be completed within 6 months; and a complete list of sold and unsold flats within 2 weeks 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 allottee would make the balance payment of the consideration amount to the promoter who would then complete the flat and hand over possession to the complainant. The Bench reiterates its previous direction to the respondent company and their Director to hand over 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. The Bench also directs the promoter to file certified ledger account as of 1<sup>st</sup> November,2021 pertaining to 'I' block and also inform the registration wing of the same

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

Sd/-  
**Nupur Banerjee**  
**( Member )**

Sd/-  
**Naveen Verma**  
**(Chairman)**