

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/1500/2020

RERA/AO/481/2020

Rishabh Kumar Pathak Complainant

Vs.

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

PROJECT: AGRANI P.G. TOWN SARARI, DANAPUR

For the Complainant: Mr. Kishore Kunal, Advocate

For the Respondent: In person

29.05.2025

ORDER

Learned counsel Mr. Kishore Kunal on behalf of the complainant is present. Director of the respondent Company Mr. Alok Kumar appears through video conferencing from the Phulwari Sharif Jail.

2. Learned counsel for the complainant submits that in February, 2018 the complainant initially booked a flat having a area of 1300 sq. ft. along with car parking space in the project "Crystal Avenue, situated at Mustafapur, Khagaul, Patna, which was later on changed to the project "Agrani PG Town" situated at Sarari, P.S. Danapur, Patna of the respondent M/s Agrani Homes Real Marketing Pvt. Ltd., on consideration amount of Rs.17,00,000/- + applicable taxes. Out of the total consideration money, the complainant paid Rs.16,80,000/- and acknowledgement receipts thereof were issued by the respondent which are kept on record. He further submits that after making payment of aforesaid payment a Memorandum Of Understanding was executed between the complainant and the respondent in the year, 2019. He also submits

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that while booking of the flat the respondent had assured that the flat would be handed over within the specified period of time but till date neither the project has been completed nor possession of the flat has been delivered even after expiry of longer period of time. Hence, the present complaint has been filed by the complainant for a direction to the respondent to refund his money along with interest and compensation. He also submits that the complainant had already sent a letter dated 05.08.2019 to the respondent for cancellation of booking and refund of money along with interest but so far there is no response on the part of the respondent.

3. Director of the respondent – company Mr. Alok Kumar appears through video conferencing from the Phulwari Sharif Jail. He does not dispute the payment of Rs.16,80,000/- made by the complainant to his company as well as execution of Memorandum Of Understanding executed between him and the complainant in connection with purchase of a flat by the complainant. On query made by the Bench regarding refund of money of the complainant, he expresses inability of making refund on account of financial crunch being faced by him

4. Perused the record. The Bench observes that the respondent - promoter neither honoured the commitment made to the complainant of completing the project and handing over possession of the flat within the specified time nor has refunded the principal amount of the complainant. However, Director of the respondent – company Mr. Alok Kumar during course of submissions through video conferencing from the Phulwari Sharif Jail admits about payment made by the complainant of Rs.16,80,000/- against a flat in the project “Agrani PG Town” but he expresses inability to refund the aforesaid amount.

5. Taking into consideration the aforesaid submission of learned counsel for the complainant as well as

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Director of the Respondent - company and on going through the material available on record, the Bench directs the respondent - company and its Director Mr. Alok Kumar to refund the principal amount of Rs.16,80,000 to the complainant along with interest at 2% above marginal cost of lending rate (MCLR) of the State Bank of India on total principal amount which becomes due till the date of payment within sixty days of issuance of the order.

6. The complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

With the aforesaid observations and directions, this case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.