

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/81/2024

Ghanshyam Pandey.... Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT: IOB NAGAR MAIN PHASE

For the Complainant: Mr. Punit Kumar, Advocate

For the Respondent: In person

29.05.2025

ORDER

Learned counsel Mr. Punit Kumar 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 the complainant booked Flat no.506 having a area of 1300 sq. ft. in Block – L on 5th floor along with car parking space through KYC dated 15.05.2013 in the project “IOB Nagar Main Phase” of the respondent M/s Agrani Homes Pvt. Ltd., on consideration amount of Rs.15,00,000/- + Rs.2,00,000/- + service tax of Rs.46350/-, out of which the complainant paid Rs.15,46,350/- during the year, 2013 - 14, against which the respondent issued acknowledgement receipts, which are kept on record. He further submits that while booking the respondent had assured the complainant 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 and

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further when the complainant visited the site of the project he did not find any development work being done. Hence, the present complaint has been filed by the complainant for a direction to the respondent to refund of his money of Rs.15,46,350/- along with interest.

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.15,46,350/- made by the complainant to his company as well as the KYC issued against the complainant in connection with purchase of the aforesaid 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.15,46,350/- against Flat no.506 in the project “IOB Nagar Main Phas” 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 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.15,46,350/- 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.

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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.