

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/325/2021

Jeetendra Prasad Roy Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT: IMPULSE INCLAVE

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 on 28.06.2013 the complainant booked Flat no.303 having area of 1100 sq. ft. on 3rd floor in Block – A along with car parking space in the project “Impulse Enclave” of the respondent M/s Agrani Homes Pvt. Ltd., on consideration amount of Rs.15,46,350/- + service tax 46350/-. Out of the said consideration money, the complainant paid Rs.13,91,170/-through different installments vide cheques dated 26.07.2013, 02.10.2013, 05.11.2013, 19.01.2014 & 29.11.2017 respectively, against which the respondent issued money receipts which are kept on record. He further submits that after making payment of first installment a Memorandum Of Understanding was executed between the complainant and the respondent on 30.07.2013. He also submits that while booking the respondent had assured the complainant that delivery of possession of the flat would be handed over by the end of 2019 but till date neither the

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project has been completed nor possession of the flat has been delivered even after extraordinarily long period of five years. Hence, the present complaint has been filed by the complainant for a direction to the respondent for refund of his money along with interest and compensation.

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.13,91,170/-made by the complainant to his company as well as execution of Memorandum Of Understanding between him and the complainant in connection with purchase of the aforesaid flat by the complainant. On query made by the Bench regarding refund of money, he expresses inability.

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.13,91,170/- against Flat no. 303 in the project “Impulse Enclave” but he expresses inability to refund the aforesaid amount on account of financial crunch being faced by him.

5. Taking into consideration the aforesaid submission of learned counsel for the complainant as well as Director of 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.13,91,170/- to the complainant along with interest at 2% above marginal cost of lending rate (MCLR) of the State Bank of

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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.