

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Ho'ble Member

Case No. CC/639/2021

Mukesh KumarComplainant

Vs.

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

PROJECT: - Agrani SBI Nagar, Highway City

Interim O R D E R

19-07-2022

This matter was last heard on 15.06.2022.

The present matter has been filed on 22-06-2021 seeking relief to direct the respondent to hand over the flat or relocate in nearby project.

Perused the record of the case. The case of the complainant is that he had booked two flats with the respondent company in their two different projects and had paid the amount of Rs. 15,00,000/- for Flat- C-409 in Agrani SBI Nagar project and Rs 3,51,000/- for Flat A-201 in Highway City. He further alleges that till date the no construction has started on the project site. The office of the respondent is also closed and all the staffs are unreachable and those available are not responding to his complaints. Hence, this complaint.

The complainant has placed on record money receipts duly acknowledged and issued by the respondent along with Memorandum of Understanding dated 08-11-2019.

The respondent has not filed any specific reply in this case. However, Mr. Satwik Singh, Legal Representative of the respondent company was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

The Bench observes that the application of registration of Project “Highway City” has been rejected by the Authority by order dated 27.08.2021 and a Suo-Moto proceeding is already initiated against respondent company for the violation of section 3 of the Act.

During the last hearing on 15-06-2022, the complainant has submitted that the respondent has given an offer of the alternative flat but has not mentioned the flat number, project name etc. in the offer. The area of the flat is 1620 sq.ft.

Mr. Satwik Singh, L.R. of the respondent company has submitted that respondent is ready to give the alternative flats which were shown to complaints. T

The Bench notes that on the last hearing direction was given to the respondent to file an affidavit serving the copy of same to complainant stating therein the specific flats offering to complainants mentioning the project name block name, time period under which possessions will be handed to the complainant.

The Authority takes note of the fact that the respondent had not complied with its directions for which it imposes a penalty of Rs 10,000/- and directs respondent to submit the same in office within 10 days, failing which coercive action will be taken as per O.21, R.30 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act,

2016. It observes that the respondent is not serious in its offer because had it been so, they would have pursued the matter with the complainant, who had expressed his willingness for an alternative flat on the last date of hearing.

As the complainant has sought relief for the possession of flat in complaint petition and also during the last hearing, he shows his willingness to go with any alternative flat offered by the respondent and respondent also agrees to offer the same but respondent failed to act upon the submissions made during the last hearing, let list the matter again on 17-08-2022 to know that whether the complainant will wait for the response of the respondent in respect to alternative flat or any alternative remedy he want to avail.

Inform both then parties accordingly.

Sd/-

**Nupur Banerjee
(Member)**