

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Telephone Bhavan, Patel Nagar, Patna-800013.

Before the Single Bench of Mr Naveen Verma, Hon'ble Chairman

Case No. CC/266/2019

Arun Kumar Verma.....Complainant

Vs

M/s Brahm Engineers & Developers Pvt Ltd.....Respondent

Project: Sri Janaki Bhawan

INTERIM ORDER

7-2-2022 The matter was last heard on 21-1-2022.

The case of the complainant is that he booked a flat in the project bearing flat no. 204 in Block B having 1470 sq ft; an agreement for sale was executed on 16-1-2013 for a total consideration of Rs. 40 lakhs. The complainant paid Rs. 10 lakhs as he was assured that construction has reached upto brick work. It is further stated that as per assurance and terms indicated in agreement, Bank of India released loan amount of Rs. 10 lakhs on 12-01-2013, Rs. 20 lakhs on 12-02-2013 and lastly Rs. 6,79,600/- on 27-07-2013 vide cheque was given to respondent company. However, the project has not been completed as yet and hence the complaint has been filed for refund of the money taken with interest. It has also been stated that the project is an ongoing project and it has not been registered with the Authority.

The complainant has placed on record agreement for sale dated 16-01-2013, letter issued by Bank of India regarding sanctioning of loan of Rs. 30 lakhs, letter dated 18-1-2013 regarding permission of mortgage issued by the respondent company, demand letter dated 18-01-2013

issued by the respondent company, money receipt dated 12-01-2013 for Rs. 10 lakhs issued by the respondent company.

No reply has been filed by the respondent company. However, the Director of the respondent company along with the learned counsel was present during all the hearings and has admitted that the company has taken the amount from the complainant. On the last date of hearing MD of the respondent company Mr. Jagmohan Gautam had assured that the entire project would be completed by the end of November, 2021.

A supplementary affidavit has been filed by the complainant along with copies of agreement dated 14-06-2020 stating that a compromise was arrived at between them wherein the respondent company agreed to pay Rs 51,00,000/- to the complainant. However, the respondent company has refunded only Rs. 25 lakhs and Rs. 26 lakhs is yet to be refunded to the complainant. The complainant has also alleged that the respondent is diverting funds for construction of A&M Mall taken up by them in Nawada and that they should be prohibited from undertaking fresh work till all the liabilities of this project are met. He has filed copies of the map/ plan of that project.

The Bench observes that, in the interest of natural justice, a copy of the supplementary application may be sent to the respondent with a direction to give their written reply within a week. If no reply is received, it would be presumed that the facts in the petition are being admitted and final orders would be passed accordingly. A copy of the supplementary application may also be sent to the Registration wing for further action, as appropriate.

List this matter for further hearing on 18 February, 2022.

Sd/-
Naveen Verma
Chairman