

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. CC/394/2021

Sarita Kumari.....Complainant

Vs.

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

PROJECT: - IOB Nagar C2

Interim O R D E R

19-07-2022

This matter was last heard on 15.06.2022.

This matter has been filed on 10-03-2021 seeking relief to direct the respondent to refund the amount with interest .

Perused the record of the case. The case of the complainant is that she had booked flats with the respondent company in OPB Ngar C2 project and had paid total amount of Rs.15 lakh but respondent has not handed over the same.

On 24-03-2022, complainant submits an application stating that respondent has offered two proposal and out of which one proposal seems good to him in which respondent has offered to give flat in PG-1 in 36 months which she had accepted but respondent has not contacted her in furtherance of her acceptance. Moreover, the respondent has not specified the details of the flat offered to the complainant as to the flat no and the floor on which it is situated. Therefore, the complainant pleads before this Bench to direct the respondent to enter into Agreement for Sale of the said flat with detail

consideration price of flat and duration under that flat will be handed over to her.

The complainant has placed on record money receipts duly acknowledged and issued by the respondent along with Memorandum of Understanding dated 22-09-2018.

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 "IOB Nagar C2" has been rejected by the Authority by order.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016.ated 06.09.2021.

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 complaint.

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 is observed 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)**