

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/1422/2020

RERA/AO/429/2020

Mrs. Usha Kumari Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

For the complainant: Mr. Santosh Satyarth, Advocate

For the Respondent: None

Project:- AGRANI SUNRISE CITY

RECTIFICATION OF ORDER DATED 23.12.2022

01.08.2024 Hearing taken up. Mr. Santosh Satyarth, Advocate, appears for the complainant. The respondent is absent.

Learned counsel for the complainant by filing rectification petition dated 04.07.2024 requests for rectification in the order dated 23.12.2022. In the said rectification petition it is stated that though there was claim by the complainant for refund of Rs.16,00,000/- but in the order dated 23.12.2022 the Authority directed to make payment of Rs.8.00 lakh on the basis of MOU because the complainant could not make available the document regarding remaining payment of Rs.8.00 lakh. It is further stated therein that the complainant paid remaining amount of Rs.8,00,000/- on 22.10.2014 & 30.11.2014 through cash and receipts thereof have annexed with the said petition. Hence, he requests that the order dated 23.12.2022 may be rectified to the extent that instead of refund of Rs.8,00,000/- it may be directed to the respondent to refund Rs.16,00,000/-.

Learned counsel for the complainant has further requested in the rectification petition that the order dated 23.12.2022 may further be rectified to the extent that the refund of entire deposited amount of Rs.16 lakh should be refunded along with payable rate of interest, that is, two percent above

the prevalent prime lending rates of the State Bank of India on the date on which the amount becomes due till the date of payment. The said prayer is allowed.

The perused the entire record as well as the money receipts of Rs.8,00,000/- dated 22.10.2014 & 30.11.2014, which are kept on the rectification petition, and the submissions advanced by the complainant's counsel have been found to be considered favourably.

Accordingly, the Authority rectifies the order 23.12.2022 (passed in RERA/CC/1422/2020/RERA/AO/429/2020) to the extent that in the said order refund of the principal amount to the complainant should be read as "Rs.16,00,000/-" instead of "Rs.8,00,000/-" and the payable rate of interest should be read as "two percent above the prevalent prime lending rates of the State Bank of India on the date on which the amount becomes due till the date of payment" instead of "interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus 2%".

The rectification petition is, accordingly, disposed of.

Sd/-
S.D. Jha,
Member