

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Double Bench of Mr Naveen Verma, Chairman,
& Mrs Nupur Banerjee, Member

Case No. RERA/CC/1866/2020

Rajiv RanjanComplainant

Vs

M/s Agrani Homes Pvt. Ltd.Respondent

Project: IOB Nagar Block-S

Present: For Complainant: Represented through his wife
For Respondent: Mr. Satwik Singh, Legal Representative

HEARING THROUGH PHYSICAL MODE

05/05/2022

ORDER

11/05/2022

Hearing taken up. The wife of the complainant is present. Mr. Satwik Singh, Legal Representative appears on behalf of the respondent company.

The fact of the case is that the complainant had booked a 3 BHK flat having area of 1300 Sq. ft. on 2 nd floor of the project IOB Nagar, Main Phase Block – Sand one reserved free car parking by making total payment of Rs.15,59,500/- (Fifteen Lakh Fifty Nine Thousand Five Hundred Rupees) on one time basis on different dates against which money receipts bearing no.2435,1347,175 and 179 issued by the respondent company out of total consideration amount of the flat Rs.17,00,000/-. A Memorandum of Understanding dated 11.03.2016 was entered into between the complainant and the respondent company and as per the agreement the flat was to be completed within 36 months with 6 months grace period after approval of P.M.C map. Since there was no development/construction of the project,

complainant has prayed for refund of booking amount along with interest.

The complainant has placed on record a copy of registered MOU dated 11.03.2016, money receipts bearing no.2435,1347,175 and 179 issued by the respondent company.

This matter was last heard on 7.04.2022. Prior to that, an interim order was passed on 14.01.2022 as the matter related to IOB Nagar Block S. Although no reply has been filed by the respondent, it has been admitted on the last date that they are ready to refund the amount and if the complainant agrees at a later stage to accept the offer for alternative flat, that would be a matter of mutual consultation.

The Legal Representative of the respondent company is present and he submits that some reply has been filed today at around 12 noon. If any reply is filed that should have been filed in advance and not on the date of the hearing. In this case, the Legal Representative of the company submits that they are engaged in dialogue with the complainant who is willing to take an alternative flat.

The wife of the complainant refutes this submission and states that no firm offer has been given and hence she pressed for refund.

In view of the observation made during the last hearing, the respondent agrees that the order for refund may be passed.

It is clear from the interim order dated 14.01.2022 that the complainant had paid Rs.15,59,500/- in March, 2016. The respondent has not rebutted to this claim and therefore, the facts are admitted.

In view of the submissions made on behalf of both the parties, the Authority directs the respondent Company and the Directors to

refund the principal amount of Rs.15,59,500/- along with interest at MCLR for three years plus 1% within 60 days of the order.

This matter is disposed of accordingly.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)