

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman and

Mrs. Nupur Banerjee, Member

Case No.CC/712/2019

Rinki Gupta..... Complainant

Vs.

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

Project: Agrani Angel

ORDER

18/11/2021

23.11.2021

This matter was last heard along with the batch of cases on 29/10/2021.

The complainant's case is that she had booked 2 flats in Project Agrani Angeland paid Rs. 31,03,001/- (Rs 13,01,000/- and Rs 18,02,001/- as per the M.O.U. dated 30/03/2016 signed between the parties. The complainant has got refund of Rs 6,50,000/- from the respondent. The complainant has filed money receipts dated 28/09/2015 for Rs 2,00,000/-, 03/07/2015 for Rs 2,51,000/-, 30/07/2015 for Rs 5,50,000/-, 09/09/2015 for Rs 3,00,000/- and 23/03/2015 for Rs 2,51,000 The complainant has requested for refund of Rs 24,53,001/- with interest. The complainant has also filed a transcript of whatsapp communication with the respondent.

Perused the records. The respondent has not filed any written submission. However the representatives of the respondent company have been present during hearings and have not refuted the claim of payment made by the complainant.

The Bench notes that the application for registration of the project has been rejected. The respondent company can always apply afresh with the requisite documents.

On the last date of hearing, dated 29/10/2021, Mrs. Alka Singh, Former Director and Mr. Alok Kumar, MD of the respondent company had pleaded

before the Authority to return the original papers belonging to Agrani Angel Phase II as the landowner is ready to return the amount to the respondent company which will come around Rs. 35-40 lakhs.

The Authority had given certain directions on the last date laying down the protocol to be followed in such matters. The Authority observed that Mr. Alok Kumar, MD and Mrs. Alka Singh, Former Director of respondent company have not filed joint application on oath from the land owner and the promoter stating that they have mutually agreed to cancel the development agreement. The landowner was required to submit a demand draft of the said amount in favor of the Authority.

Since the respondent has not complied with the direction of the Bench in the hearing held on 29/10/2021, the Authority directs Mr. Alok Kumar, MD and Mrs. Alka Singh, former Director of the respondent company to pay a penalty of Rs 25000/- (twenty five thousand only) for non-compliance of the order of the Authority within a week of this order. If the said penalty is not paid within that period, an additional penalty of Rs 1000/-(one thousand) per day would be payable for each day of delay.

The Authority directs the Respondent Company and their Directors to refund the principal amount of Rs 24.53 lakhs to the complainant along with interest at the rate of the marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years or more plus one percent from the date of taking the booking within sixty days of issue of this order.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their other claims, which are in the nature of compensation from the respondent company.

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)