

REAL ESTATE REGULATORY AUTHORITY, BIHAR  
Before the Bench of Mr. Ved Prakash,  
Special Presiding Officer

**RERA/Rectification no./21/2024  
(Arising out of RERA/CC/857/2019)**

Ramesh Chandra Sinha Ashish ....Complainant(s)

Vs

M/s Agrani Homes Pvt. Ltd. ....Respondent  
PROJECT- Agrani Kalawati Regency

For the complainant: In Person  
For the respondent : None

**07.03.2025**

**RECTIFICATION ORDER**

The complainant is present in person, but the respondent is absent.

2. The complainant has filed the present rectification petition under section 39 of RERA Act, 2016 for rectification of the order dated 23.06.2022 passed by DB comprising the then Hon'ble Chairman, Shri Naveen Verma and Hon'ble Member, Smt. Nupur Banerjee, in RERA/CC/857/2019.

3. The complainant submits that the Hon'ble Authority has directed the respondent promoter to complete the project and handover the apartment to the complainant by 15<sup>th</sup> June, 2023, failing which a penalty of Rs. 10,000/- per day for the every day of delay would be imposed. But in spite lapse of more than one and half year, the respondent has failed to complete the project and deliver possession of flat in the project, Agrani Kalawati Regency. So, presently, it is not possible for the respondent to complete the project and deliver possession of said flat to him. Hence, the said order has to be scrutinized and rectified for refund of the principal amount of Rs. 16,49,440/- to him along with interest accrued thereon as he is not expected to wait for delivery of possession for an indefinite period. So, he seeks permission of the bench to modify the relief sought for in the complaint petition and allow the present petition for rectification of the above order of the Hon'ble Authority.

4. Heard and perused the record.

5. The Hon'ble Authority, vide order dated 23.06.2022 passed in RERA/CC/857/2019, has directed the respondent promoter to complete the project, Agrani Kalawati Regency and handover the apartment to the complainant by 15<sup>th</sup> June, 2023, failing which a penalty of Rs. 10,000/- per day for the every day of delay would be imposed. Now, the complainant has alleged that the respondent promoter has failed to complete the project and deliver possession of flat to him and as such he has cancelled the booking of flat in project, Agrani Kalawati Regency and demanded the refund of the principal amount.

6. Though the Hon'ble Authority allowed the complaint case of the complainant and directed the respondent promoter to complete the said project and deliver possession of flat by 15.06.2023, but the respondent could not complete the said project and deliver possession. Hence, instead of delivery of possession of flat in the said project, the complainant is demanding refund of the principal amount, which appears to be just and reasonable, as he is not expected to wait for an indefinite period. It also transpires that the relief sought by the complainant in the rectification petition does not change the substantive part of the order, as per provisions of RERA Act, 2016.

7. In view of the discussions made hereinabove, the rectification petition of the complainant is allowed and the respondent promoter is directed to refund the principal amount of Rs. 16,49,440/- to the complainant along with interest accrued thereon @ MCLR of SBI for three years along with 2% as per Rule 17 of the Bihar RERA Rules, 2017. The rectification petition stands disposed of accordingly.

**Sd/-**  
**( Ved Prakash )**  
Special Presiding Officer