

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/117/2024

Smita Suprio Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT: AGRANI KALAWATI RESIDENCY

For the Complainant: Mr. Yogesh Kumar, Advocate

For the Respondents: Mr. Sumit Kumar, Advocate

Mr. Satwik Singh, LR of promoter,

Mr. Alok Kumar, Director,

Landowner of the project.

14.08.2025

ORDER

Learned counsel Mr. Yogesh Kumar on behalf of the complainant, learned counsel Mr. Sumit Kumar on behalf of the respondent and learned Legal Representative Mr. Satwik Singh of the respondent - promoter are present. The landowner is also present. Mr. Alok Kumar, Director of the respondent – company is produced by the Jail Authority of Phulwari Sharif through Video Conferencing.

2. Learned counsel for the complainant submits that the complainant booked one flat of 1372 sq. ft. on 4th floor in Block – A in the project “Agrani Kalawati Residency” vide KYC dated 18.04.2015 on consideration amount of Rs.16,00,000/- + amenities charge of Rs. 2,00,000/- + Service Tax of Rs. 63000/-, out of which the complainant made payment of Rs.18,60,000/- in following manner Rs.10,00,000/- through cheque nos.332153 & 306637 dated 20.04.2015 of State Bank of India, Rs.3,00,000/- through NEFT on 07.02.2015, Rs.3,30,000/- through transfer on 06.01.2018 and Rs.2,30,000/- in cash, against these payments money receipts were issued, which are kept on the record as Annexure-2 series. He further

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submits that even after receiving the aforesaid amount the respondent – promoter did not execute Agreement For Sale and on being insisted started evading to execute the same on one pretext or the other. He also submits that when the complainant came to know that the respondent – promoter has not even started work of the proposed project and the same has been finally dropped, the complainant started making request to the respondent - promoter to refund his entire amount which was not responded and thereafter the complainant sent legal notice on 25.09.2013 requesting the respondent to refund his money along with interest but the said legal notice was returned as the office of the respondent was found shutdown. Hence, the present complaint by the complainant for a direction to the respondent to refund his money along with interest.

3. Learned Legal Representative of the respondent – company submits that the complainant has filed Title Suits against the respondent before the Civil Court and the same are pending. If the Title Suits are withdrawn by the complainant the respondent – company is agreed to sit with the complainant to resolve the dispute and to refund the amount, to which the complainant's counsel submits that after resolve of the issue and refund of the amount the complainant is ready to withdraw the Title Suits pending before the Civil Court. He further submits that in terms of the proceeding dated 31.07.2025 the respondent – company with the consent of the landowner, who is present before the Bench, has deposited non-amount of Rs.1 crore with RERA, which may be utilized in refunding to allottees of the project "Agrani Kalawati Residency" through RERA.

4. Director of the respondent – company submits that he does not dispute booking of flat having area of 1372 sq. ft. on 4th floor in Block – A in the project "Agrani Kalawati Residency" vide KYC dated 18.04.2015 by the complainant and making

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payment of Rs.18,60,000/- by him. He also submits that he is ready to refund the amount of the complainant but financial crunch being faced by him is coming in the way of refunding the amount.

5. Learned counsel for the complainant submits that the complainant has already filed consent letter dated 09.07.2025, which is kept on record, stating therein that this consent will club with the final order passed by RERA and the said order shall continue till realization of full amount along with interest by the complainant.

6. Having heard learned counsels for the parties and considering the fact that the respondent does not dispute booking of the flat in the project "Agrani Kalawati Residency" and making payment of Rs.18,60,000/- by the complainant and he expresses willingness to refund the amount, the Bench directs the respondent – company and its Director Mr. Alok Kumar to refund the principal amount of Rs.18,60,000/- to the complainant along with interest at 2% above marginal cost of fund-based lending rate (MCLR) of the State Bank of India since the date of its payment till the date of its refund within sixty days of this order.

With the aforesaid observations and directions, this case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.