

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/842/2021

Ajay Kumar Thakur.....Complainant

Vs.

**M/s DDL Infratech Pvt. Ltd, formerly known as M/s Agrani Infra
Developers Pvt. Ltd.Respondent**

Project: Agrani Woods

For Complainant: Mr. Bipin Bihari, Advocate

**For Respondent: Mr. Rabindra Kumar, Advocate
Mr. Shiv Kumar, Director**

06/09/2022

ORDER

The matter was last heard on 03-08-2022.

1. This complainant petition has been filed seeking relief to direct the respondent to handover the possession of land by executing deed of conveyance by taking the remaining amount or refund the amount of Rs.15,00,000/- with interest @18% per annum from the period from 05-05-2021 till actual realization of the said amount.
2. In short, the case of the complainant is that the complainant had purchased a land bearing part plot no. C-19, measuring 12000 sq.ft, in the respondent's project. It has been further submitted that complainant had paid Rs.15 lakh including development charge out of total consideration amount of Rs. 20 lakh and subsequently Agreement for Sale dated 05-05-2012 has been executed between the parties. It has been further submitted that since then on several occasions, complainant asked the respondent to take the balance amount and registered sale deed and provide the possession letter but the respondent has always been delaying the same and not executed sale deed, hence, this complaint.
3. Perused the record of the case. The respondent has filed its written objection stating therein that case is filed by Ajay Kumar Thakur but the Agreement for

Sale stands in the name of Nutan Kumari wife of A.K. Thakur. It has been submitted that complainant has not paid the entire consideration amount within 30 months and has violated section 19(6) of the RERA Act, 2016. It has been further submitted that the project is approved on the map, passed by Mukhia and falls beyond the planning area.

4. The complainant has filed an affidavit sworn by Nutan Kumari, authorizing her husband Mr. Ajay Thakur to engage advocate and proceed in the matter under dispute for the redressal of her grievance as indicated in the complaint application bearing no. CC-842/2021 filed through my husband on my behalf.
5. During the last hearing, learned counsel for the complainant has submitted that on 22nd January, 2022 he has filed an affidavit on behalf of Nutan Kumari stating therein that she has no objection. On 28th January, 2022, the respondent has sent one letter stating that they have cancelled the agreement because complainant has not made the payment. He further submitted that the respondent may be directed to either receive Rs.5 lakh or give possession of the land or they should be directed to refund the amount with interest.

Learned counsel for the respondent has submitted that they had filed detailed reply. He submitted further that the respondent has no plot at present and therefore, they are ready to refund the amount which they have received till date. He further submitted that minimum interest be awarded. They will refund the amount in ten installments with marginal interest because the respondent is having some financial crunches.

In reply, learned counsel for the complainant has submitted that he is not ready to accept the offer. He further submitted that direction should be given to respondent to refund the amount at least in short installments.

The Bench takes the notes that the project Agrani Woods is registered with the Authority having validity period of registration of the project is from 25-10-2019 to 31-12-202, hence, Bench can entertain in the matter.

In the light of the submissions, advanced by learned counsel for the parties and documents placed and considering that complainant in complaint petition prayed for both either possession of plot or refund and taking the notes of submissions of learned counsel on the last date of hearing for refund, the Bench, hereby directs the respondent company and their Directors to refund the entire paid consideration amount i.e. Rs.15,00,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rates (M.C.L.R.) of the State Bank of India as applicable for three years plus two percent from

the date of deposit of money till the date of refund within sixty days of issue of this order.

With these directions and observations, this complaint petition is disposed of.

Sd/-
Nupur Banerjee
Member