

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1184/2020

Sudha Kumari

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - : IOB Nagar - I Block

ORDER

12.09.2022

The matter was last heard on 16.08.2022.

The case of the complainant is that she booked a 3 BHK flat in the project Agrani Emerald on 18.01.2017 for which she had paid Rs.10,00,000/-. As no construction work was going on and the project was also not registered with RERA, and finding that possession of the flat would not be handed over by 2019 as assured by the promoter, her booking was transferred in the project IOB Nagar – Block I. She paid additional Rs. 5,00,000/-. The complainant has filed the instant case for refund of paid consideration amount along with interest and compensation for delay in handing over of the possession.

The complainant had placed on record copy of money receipt for Rs.15,00,000/- duly issued by the respondent, and M.O.U dated 18.01.2017 duly signed for sale of the flat in the project Agrani Emerald, acknowledgment for booking in I.O.B Nagar, Block I.

The complainant subsequently filed an affidavit stating therein to amend the prayer of complaint petition from refund to possession . She has also stated that that she has paid Rs. 18,00,000/- till 30/05/2022 for the booking transferred from project Agrani Emerald to IOB Nagar block I in Flat no. 501. She has also filed copy of the money receipts.

During hearing held on 16.08.2022, the representative of the respondent requested to de-freeze the Bank account. He did not challenge the submission of the complainant.

A joint petition has been filed by both the parties to de-freeze the bank account no. 00000037807366716 of the respondent.

The Authority directs that a letter may be sent to the concerned Bank to de-freeze the bank account of the respondent mentioned in the joint petition. The supervision of the account may be done by the association of allottees of I block , IOB Nagar.

Perused the record.

The Authority observes that as per the agreement for sale the total consideration of the flat was Rs. 32,49,750/- out of which the complainant has paid Rs. 18,00,000/-. The Authority observes that the complainant would need to pay the remaining consideration to the respondent as per the terms mentioned in the agreement to sale.

The Authority observes that the promoter has to complete all the work of the project and to provide all the facilities and amenities as per the agreement for sale and brochure of the building/apartment as these facilities are part and parcel of the project.

The Authority directs the respondent to pay interest at the marginal cost of fund based lending rates of SBI as applicable for two years for the period of delay in handing over possession. The promoter would upload the quarterly progress report on the web page, failing which penalty of Rs 25,000/- would be imposed.

The complainant is at liberty to press her claim for compensation before the Adjudicating Officer.

With this direction and observation, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)