

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Double Bench of Mr. Naveen Verma, Chairman,
& Mrs. Nupur Banerjee, Member

Case No. RERA/CC/135/2021

Manoj Kumar PriyadarshiComplainant

Vs

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

Project: IOB Nagar, Main Phase

Present:	For Complainant:	None
	For Respondent:	None

21/09/2022

PROCEEDING

Hearing taken up. Both the parties are absent.

The matter was last heard on 04.08.2022 and was fixed for 06.09.2022. However, the Double Bench did not sit on that date and the matter has been heard today.

The Bench recalls that detailed interim order of 02.08.2022 and the proceeding of 04.08.2022 wherein the respondent has submitted that they agreed to make a refund if they are permitted to sell the flat. It was also mentioned that this pertains to the 'H' Block. They had filed an appeal before the Tribunal bearing REAT Appeal No. 47/2022.

Perused the records. The association of the allottees of 'H' Block does not appear to have been given a copy of the interim order nor they have been impleaded in this matter.

The Bench observes that the complainant is entitled to get a refund along with interest of the consideration paid by him in the event of cancellation of his booking. The promoter, who has taken the booking, is willing to refund provided he is allowed to sell that flat.

The Authority feels that the respondent along with association of the allottees can jointly negotiate for the flat to be sold and from the proceeds obtained thereof the principal amount and the interest could be paid to the complainant and the balance, if any, could be retained in the project either by the promoter or by the allottee

association depending on the outcome in the appeal filed by the Tribunal.

However, before passing final orders it is appropriate to hear the allottee association in this matter and the notice be sent to them along with a copy of the interim order and this proceeding.

Let this matter be transferred in the Bench of Member.

Put up on 18.10.2022

Sd/-

**Nupur Banerjee
Member**

Sd/-

**Naveen Verma
Chairman**