

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

Before the Full Bench of Mr Naveen Verma, Chairman,  
Mr R.B. Sinha & Mrs Nupur Banerjee, Members

**Case No. RERA/CC/09/2021**

Bijendra Prasad .....Complainant

Vs.

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

**Project:** Agrani Kailash – Block A

Present: For Complainant- In person  
For Respondent - Mr. Alok Kumar, MD

**INTERIM ORDER**

**28-10-2021**  
**05-11-2021**

The matter was heard along with the batch of cases before the full bench on 30.09.2021.

The complainant booked a Flat no-105 on 1st floor in block-A at Agrani Kailash admeasuring 1230 sqft area and total consideration being Rs. 38,61,670/-. The agreement for sale was duly executed on 27.11.2018 and the booking amount of Rs.7 lakhs was paid to the respondent company. The complainant submitted that he also availed housing loan to the tune of Rs. 23 lakhs from State Bank of India. The complainant submitted that as per the agreement the date of delivery of possession was 31.01.2019 however till date neither possession has been handed over nor the amount has been refunded. The complainant further submitted that a lot of work is pending to be done in the project such as setting up of tank, installation of lift, bathroom fittings and therefore prays for either handing over of possession with Rs.10,000/- per month rent as compensation or refund of the paid amount i.e., Rs. 31 lacs with interest.

Perused the records of the case. No reply has been filed by the respondent company however Mr. Alok Kumar, MD of the respondent company has been present on all the dates and not challenged the contentions of the complainant.

During the last hearing, the MD of the respondent company submitted that he will handover the possession of flat to the complainant in 5-6 months. The Bench directed the respondent company to submit before the Authority a written submission putting on record his statements and that he will handover the possession in 5-6 months.

The Bench notes that there has been no compliance of the above direction by the respondent company with respect to filing of the written submissions and therefore, a penalty of Rs. 10,000/- is imposed upon the respondent company for violating the directions of the Authority.

As far as the relief claimed by the complainant is concerned, he is directed to give a written submission whether she wants possession of the apartment or is seeking refund . The complainant is informed that the Authority does not have the power to entertain the claim for compensation and the same should be withdrawn and filed before the Adjudicating Office under relevant sections of the Act.

The respondent company is directed to submit on affidavit stating the period within which they would handover the possession to the complainant.

Put up for compliance and hearing on 23-11-2021.

Sd/-  
**Nupur Banerjee**  
Member

Sd/-  
**R.B. Sinha**  
Member

Sd/-  
**Naveen Verma**  
Chairman