

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/1016/2020

Rizwan AlamComplainant

Vs.

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

Project: Agrani Kailash – Block A

Present: For Complainant- Brijendra Kumar, Advocate
For Respondent - Mr. Alok Kumar, MD

INTERIM ORDER

21-10-2021 The matter was heard along with batch of cases before the full
05-11-2021 bench on 30.09.2021.

The case of the complainant is that he had booked a flat bearing flat no 105 on 1st floor on 01.02.2013, the total consideration amount being Rs. 27,06,000/-.The complainant paid Rs. 4,49,363/- against which receipt no. 1987 was issued and Rs. 1,49,790/- against which receipt no. 1246 was issued respectively. The complainant submitted that an agreement was shown to him by the respondent company and he was assured that the possession will be handed over in 3.5 years. However, upon inspection, it was discovered that within 3 years only plinth could be constructed. The complainant submitted that a sum of Rs. 1.5 lakhs remains to be paid to the respondent company. The complainant earlier submitted that he was ready to pay the amount provided possession is given within 3.5 years as mentioned in the agreement. However later not trusting the intentions of the respondent company, applied for cancellation in July 2017 but there was no response from the respondent company. The complainant has prayed for refund of the amount paid along with compensation.

The complainant has placed on record receipts issued by the respondent company and also a letter dated 05.03.2016 sent to the respondent company.

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. The MD of the respondent company submitted that is ready to refund the amount due to the complainant.

As far as the relief claimed by the complainant with respect to compensation is concerned, 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is informed that the Authority does not have the power to entertain the claim for compensation and the same should be withdrawn and filed before the Adjudicating Office under relevant sections of the Act.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 the time frame within which the amount would be refunded to the complainant.

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

Sd/-
R B Sinha
(Member)

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)