

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/794/ 2019.

Rakesh Kumar **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a payment of Rs 15,46,350 for an apartment in 2013 and has filed receipts issued by the company and the agreement to sale. Since there was delay in the construction he sought a refund. While the principal amount was returned to him in instalments the promoter has not paid him interest.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has admitted before the Authority on the last hearing that he has taken the amount pf booking from 69 customers.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to pay interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/713/ 2019.

Dolly Singh

..... **Complainant**

Vs.

Agrani Homes Pvt. Ltd.

..... **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that she had initially booked an apartment in O block IOB Nagar and had paid a total of 15 lakh to the

respondent company. Later the Director of the Respondent company had allotted her an allotment in L Block IOB Nagar. She has mentioned in her complaint that the company had offered her any an apartment in any other complex if they are not able to complete the apartment in time. She had reiterated her request for an alternative apartment in the last date of hearing.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has admitted before the Authority on the last hearing that he has taken the amount pf booking from 69 customers.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to either offer her a completed apartment within sixty days or refund the principal amount paid by her along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/914/ 2019.

Mohammed Shazeb **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a payment of Rs 3.00 lakhs in March 2019 for an apartment in IOB Nagar L Block on the understanding that he would have to make the remaining payment within 18 months. However, as he was asked to pay the remaining amount

within 20 days, he cancelled the booking in August 2019 and sought refund which was not paid and hence this complaint.

During the course of hearing, the learned counsel for the complainant submitted that he is willing to adjust his claim for refund against booking of a plot in the project Prakriti Vihar of the same promoter.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he was willing for such an adjustment.

The Authority notes that the project Prakriti Vihar has not been registered as yet. It directs the Registration Wing to process the matter of registration at the earliest keeping in view that the land for the project is allegedly owned by the promoter and there is a possibility of giving relief to some allottees through that project. The Authority notes that the respondent Director had also sent a communication to this effect.

It is apparent that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

The Authority directs the respondent company to calculate the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent from the date of taking the booking to the date of order and adjust this amount along with the principal of Rs 3.00 lakh paid by the complainant against the booking of a plot in Prakriti Vihar if that project is registered with RERA.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/1068/ 2020.

Md Sawood Alam **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a one time full payment of Rs 14.00 lakhs in 2014 for an apartment in IOB Nagar L Block. He has submitted a copy of the registered MOU with the

promoter indicating that he had paid Rs 10 lakhs before the agreement and he has submitted evidence of having paid Rs 4.00 lakh subsequently. However, as no construction was undertaken, he has sought refund of his investment with interest.

During the course of hearing, the learned counsel for the complainant submitted that he is willing to adjust his claim for refund against booking of a plot in the project Prakriti Vihar of the same promoter.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he was willing for such an adjustment.

The Authority notes that the project Prakriti Vihar has not been registered as yet. It directs the Registration Wing to process the matter of registration at the earliest keeping in view that the land for the project is allegedly owned by the promoter and there is a possibility of giving relief to some allottees through that project. The Authority notes that the respondent Director had also sent a communication to this effect.

It is apparent that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

The Authority directs the respondent company to calculate the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of order and adjust this amount along with the principal of Rs 14.00 lakh paid by the complainant against the booking of a plot in Prakriti Vihar if that project is registered with RERA.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/1069/ 2020.

Md Irshad Ahmed Siddiqui Complainant

Vs.

Agrani Homes Pvt. Ltd. Respondent

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a one time payment of Rs 12.70 lakhs in 2018 for an apartment in IOB Nagar L Block. He has submitted a copy of the registered MOU with the

promoter indicating that he had paid Rs 6.00 lakhs before the agreement and he has submitted evidence of having paid Rs 6.70 lakh subsequently. However, as no construction was undertaken, he has sought refund of his investment with interest.

During the course of hearing, the learned counsel for the complainant submitted that he is willing to adjust his claim for refund against booking of a plot in the project Prakriti Vihar of the same promoter.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he was willing for such an adjustment.

The Authority notes that the project Prakriti Vihar has not been registered as yet. It directs the Registration Wing to process the matter of registration at the earliest keeping in view that the land for the project is allegedly owned by the promoter and there is a possibility of giving relief to some allottees through that project. The Authority notes that the respondent Director had also sent a communication to this effect.

It is apparent that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

The Authority directs the respondent company to calculate the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent from the date of taking the booking to the date of order and adjust this amount along with the principal of Rs 12.70 lakh paid by the complainant against the booking of a plot in Prakriti Vihar if that project is registered by RERA.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/731/ 2019

Sumit Ghosh **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a one time payment of Rs 12.01 lakhs in 2018 for an apartment in IOB Nagar L Block. He has submitted a copy of the registered MOU with the promoter indicating that he had paid Rs12.01 lakhs before the agreement. However, as he learnt that the project has not been registered with RERA, he requested for refund of his investment with interest in March 2019. He has submitted that a refund of only Rs fifty thousand has been made to him by the promoter.

It is apparent that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Authority notes that construction has not yet commenced and directs the respondent company to refund the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent from the date of taking the booking to the date of order along with the outstanding principal of Rs 11.51 lakh paid by the complainant within sixty days of the issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/909/ 2020

Nagendra Kumar **Complainant**

Vs.

Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a payment of Rs 6,00,011 in March 2019 for an apartment in IOB Nagar L Block and entered into a MOU with the promoter in August, 2019. However, due to construction work not being undertaken and personal reasons he requested for refund of his investment with interest . He has submitted a copy of the statement showing receipt of the amount issued by the promoter.

It is apparent that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Authority notes that construction has not yet commenced and directs the respondent company to refund the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent from the date of taking the booking to the date of order along with the principal amount of Rs6,00,011/- paid by the complainant within sixty days of the issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/1070/ 2020

Shyam Bihari Singh **Complainant**
Agrani Homes Pvt. Ltd. **Respondent**
Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of

default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant, who is a retired person, is that he had made a payment of Rs 15, 52,500 in April, 2015 for an apartment in IOB Nagar L Block which is mentioned in the MOU with the promoter signed in April, 2015. However, due to construction work not being undertaken he has requested for refund of his investment with interest. He has submitted a copy of the MOU along with the receipts issued by the promoter.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Authority notes that construction has not yet commenced and directs the respondent company to refund the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking amount to the date of order along with the principal amount of Rs 15, 52,500 paid by the complainant within sixty days of the issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/1141/ 2020

Anita Kumari Verma **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the

directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that she had made a payment of Rs 11.00 lakh in August , 2013 for an apartment in IOB Nagar L Block which is mentioned in the MOU with the promoter signed in August 2013 However, due to construction work not being undertaken she has requested for refund of her investment with interest . She has submitted a copy of the MOU along with the receipts issued by the promoter.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Authority notes that construction has not yet commenced and directs the respondent company to refund the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking amount to the date of order along with the principal amount of Rs 11.00 lakh paid by the complainant within sixty days of the issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha,
Member and Mrs. Nupur Banerjee, Member**

Case No.CC/1395/ 2020

Rakesh Kumar **Complainant**

Vs.

Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (L Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used.

The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made a payment of Rs 15, 55,578 for an apartment in IOB Nagar L Block which is mentioned in the MOU with the promoter signed on 9 February 2016. However, due to construction work not being undertaken he has requested for refund of his investment with interest. He has submitted a copy of the MOU along with the receipts issued by the promoter.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has indicated before the Authority on the last hearing that he had taken bookings from a number of customers.

The Authority notes that construction has not yet commenced and directs the respondent company to refund the amount of interest at the rate of the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking amount to the date of order along with the principal amount of Rs 15, 55,578/- paid by the complainant within sixty days of the issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)