

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR**  
 RERA/CC/205/2023

Neeta Sinha-----Complainant  
 v.  
 M/s Agrani Infra Developers Pvt. Ltd. -----Respondent

PROJECT: AGRANI WOODS

**08/07/2026**

**ORDER**

The complainant has filed this case to direct the respondent to handover physical/ actual possession of the plot no. D-53 to the complainant with accurate demarcation with the pillars and simultaneously give possession letter describing therein all due details to the complainant within time fixed by the Authority.

2. The complainant's case in brief is that the complainant had purchased a plot measuring 20 katha of land from the respondent company in its upcoming township project in the name and style "AGRANI WOODS" on 26.06.2013 by registered Absolute Sale Deed. On next date i.e. on 27.06.2013 the respondent executed a pre-drafted memorandum of agreement with the complainant by which the respondent promised to erect boundary wall of sub plot no. D-53 with 5 feet height for which the respondent had already been paid, and further complete the project with all agreed amenities within one year from the date of execution with a grace period of six months but as a matter of fact after repeated requests, reminder and personal visit by the complainant to the respondent, neither plot no. D-53 has been carved out and demarcated by pillars nor boundary wall has been erected and nor physically handed over, to the complainant. After lapse of 9 years a nominal development has been made in the project by the respondent, the project is not habitable at all as on the date. Apart from consideration

amount of said purchased plot and stamp duty for its registration, the complainant had paid an amount of Rs. 7,00,000/- vide money receipt dated 26.03.2013 as per demand of the respondent for cost of boundary wall of 5 feet, mutation fee and expense and registration fee and expense out of which only a copy of mutation receipt has been supplied by the respondent to the complainant in last quarter of 2017. After numerous request and reminders through all possible means by the complainant for handing over physical possession of her purchased plot, the respondents kept themselves on silence mode causing unbearable mental harassment to the complainant, leading her to ailments.

3. The respondent company filed a reply stating therein that the points raised in the complaint petition are misleading and fabricated. The sale deed was executed on 26.09.2013 and on that date, the project had not been started. The land of the area of the project was mere barren land and no plotting, no demarcation and only amalgamated plot was there and therefore, several plots were mentioned in the sale deed and the above plots have been registered in the registration office as per prevailing act. Now the rule has been changed. Several plot registration has not been done without specifically mentioning the plot, its area, from whom the land was purchased etc. no specific khata, Plot or area is mentioned in the sale deed and the said sale deed has also been duly signed by the complainant. This case has been filed in the year 2023 for possession of the plot after 10 years which is hopelessly barred by limitation and the complainant has never approached any competent authority before like the consumer forum within time. The said project is beyond the Municipal Corporation Area and also beyond planning area, which is approximately about 45 K.M. away from Patna. Several customers booked their plots and began to wait for the development promised by the Government to begin which included the construction of the Airport and Highways but it was not done. The Authority has no jurisdiction to try the instant case in view of the order passed by the

Appellate Tribunal in REAT Appeal No. 02/2023 as the map is approved by the Mukhiya who is not a competent Authority to approve the map. As per RERA norms, the respondent had agreed to refund and accordingly the appeal was disposed off. In that case, the complainant took back his amount with interest as per RERA norms. In REAT Appeal No. 02 of 2023 the Tribunal has held that the Mukhiya has got no jurisdiction under the law to sanction building map plan or layout plan for the plotted development and provision of section 3 of Real Estate (Regulation & Development) Act, 2016 is misconstrued by the Authority. The project could not be completed as per the plan as some raiyats neither provided the land nor agreed to sell and due to this reason also the company had no option to carve out plots as per the previous plan. The respondent searched a financier in Mumbai but he also has not helped. A case is also pending before the Metropolitan Magistrate for that purpose. The RERA Act came in existence in 2017 thereafter he applied for registration in 2018 and on 25.10.2019, the project got RERA registered. Presently the complainant has no land. Without being prejudice to his right the respondent has started the process of refund to those sale deed holders who have opted for refund of their consideration money. Several sale deed holders have opted for refund and the respondent is currently refunding and obtaining cancellation deed from the sale deed holders. The respondent is ready to refund the amount in installments as per RERA norms. So this case is to be dismissed as it is not maintainable.

4. The complainant also filed a petition on 19.04.2024 to recall the order dated 22.03.2024, order an inquiry in the matter, to direct the respondent to file/ produce the said affidavit and documents and to restrain the respondent from selling/ alienating any property hold either by the respondent company or in personal name of its directors. The learned counsel for the complainant also argued to pass an order on this petition also.

5. After perusal of the order-sheets, it appear that there is no any order on 22.03.2024, rather after 18.03.2024 the date was fixed on 24.05.2024 as such there is no such order on record. Therefore, there is no need to recall such order. The Authority, by order dated 20.06.2024 has already mentioned in its order that the complainant is only involved in D-53 project, so he is notable to give the whole project details to the complainant. So there is no need to pass any such order to give any document. The complainant and the respondent have admitted the fact that there is no progress at the spot regarding any amenities or demarcation of the land, so there is no need to pass order to inquire the matter.

6. After hearing Shri Shailendra Pratap, learned counsel for the complainant and Shri Rabindra Kumar, learned counsel for the respondent, and perusal of the record, it appears that the main objection of the respondent is regarding maintainability of this case as the Absolute Sale Deed was executed on 26.09.2013 and this case has been brought in the year 2023 after lapse of about ten years. The RERA Act was enacted in the year 2016 and it came in existence in 2017. The complainant has not mentioned any reason of filing the case after such a long time and as to why he has not filed the case in the court of competent jurisdiction. The map of concerned land has been approved by the Mukhiya of the concerned Panchayat, but the Appellate Authority ( REAT) has held that the Mukhiya is not the competent Authority to approve the map and the matter is still pending in the Hon'ble Court. Even though the respondent is ready to refund the principal amount as neither the concerned land is in his possession nor it is possible to be in possession of the respondent asno any landlord is ready to give the land.

7. Considering the fact that the respondent is not in a position to give any land as no land is in his hand. In such situation, the respondent is directed to refund the principal amount along with expenditure of Rs. 7,00,000/- plus interest calculated at the rate of

marginal cost of fund based lending rates (MCLR) of the State Bank of India as applicable for three years plus 2% per month. The respondent is directed to pay the aforesaid amounts within 60 days from the date of issue of this order.

8. With the aforesaid observation and direction, this case is disposed of.

Sd/-

**(Vinod Kumar Tiwari)**  
Special Presiding Officer  
RERA, Bihar