REAL ESTATE REGULATORY AUTHORITY, BIHAR

IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR

RERA/CC/928/2020
RERA/AO/263/2020

Devendra Kumar …….. Complainant

Vs

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

Project: I.O.B. Nagar, Agrani Homes

Present: For the Complainant: Mr. Rakesh Roshan Singh, Advocate
For the Respondent: None

19.11.2025 **ORDER**

Earlier this matter was taken up on 12.11.2025when Mr. Rakesh Roshan Singh, learned counsel had appeared for the complainant, but none had appeared for the respondent.

2. This case has been filed for compensation as the respondent has not completed and handed over the project, with all arrears and interest and also penalty.

3. The complainant along with his brother Tapesh Kumar and mother Sharda Devi signed an agreementdated 25.03.2014 with Agrani Homes Pvt. Ltd. (Director Alok Kumar) and it was decided to construct a multi storied building on their land and after completion in three years, 45% share was to come under the land owners side and rest 55% of the builder.As per paragraph 13 of the aforesaid development agreement, if the builder fails to complete the project in time, then at the rate of Rs.5/- per sq.ft. month-wise rent would be levied upon the builder-Company.As per the agreement, construction work was to be completed by the year 2017, but even work has not been started till date and there is no possibility of completing the project in coming future.Meanwhile, Income Tax Department sent each of them separate notices of demand on 13.02.2019 under Section156 of the Income TaxAct. Now,they feel helpless and badly victimized as the builderhascaused them huge financial loss with so many mental and psychological pain and harassment. The Income Tax Department is sending notices under the development agreement but the

truth is outrightly reverse as no development work even started over the proposed land. Therefore, prayer is to be allowed.

4. The respondent neither filed any reply nor any document nor appeared before this Court for a long time and as such, it appears that he has nothing to say in this case. As such, this case is to be decided on the basis of the material available on record.

5. Learned counsel for the complainant filed an order of the Adjudicating Officer dated 03.03.2020 passed in RERA/CC/543/2019/RERA/AO/135/2019 (Smt. Shanti Devi Vs. M/s Agrani Homes Pvt. Ltd & Another) and stated that same type of case is filed by another allottee and in that case, the then Adjudicating Officer has passed an order and the present case is to be decided also in same way as the present case is of same nature.

6. After perusal of the aforesaid order, it appears that in that case the respondent had filed reply and on the basis of reply and documents available on record,the then Adjudicating Officer passed an order of compensation, as prayed for.

7. In the present case, the respondent has failed to file any written statement but the facts and documents are same of the complainant of this case. As per Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 and as per judgment of Hon'ble Supreme Court in *Faqir Chand Gulati vs. Uppal Agencies (P) Ltd., (2008) 10 SCC 345,* it has been held that in joint venture agreement or development agreement, the builder is alone responsible to pay penalties and compensation. As such, this case appears to be maintainable.

8. As per the development agreement, the complainant is entitled for rent at the rate of Rs.5/- sq.ft. per month.

9. After perusal of the agreement and pleadings of the complainant, it appears that the complainant has got loss due to delay in handing over the possession of the share of his flat and also suffered mental and physical

harassment. In such circumstance, the complainant may be paid a lump-sum amount of Rs.50,000/- (Fifty thousand) by the respondent which will justify the same. The complainant has also incurred some legal expenditure and that he should also be compensated for the same.

10. The respondent is directed to pay the rent of the land to the complainant at the same rate of Rs.5/- per sq.ft. per month till date. The respondent is alsodirected to pay compensation of Rs.50,000/- (Fifty thousand only) to the complainant for his mental and physical harassment and also Rs.11,000/- (Eleven thousand only) as litigation cost. Therespondents are directed tocomply the orderwithin 60 (sixty)days from the date of the order, failing which the complainant is entitled to get enforced the same through the process of the Court.

11. The case stands disposed of.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar