REAL ESTATE REGULATORY AUTHORITY, BIHAR

4th /6th Floor, Bihar State Building Construction Corporation Limited Complex, Shastri Nagar Patna – 800023

Letter No. नि/652/2021/809 Patna, Date: 19.11.2024

To,
The Branch Manager,
United Bank of India,
S.K. Puri Branch
Patna-800001, Bihar.

Subject: Direction to Withhold Fund Disbursement from Project Account – Account No. 0599050013998

Reference: Order dated 18.09.2024 and 07.10.2024 in Complaint Case No. CC/394/2022 (Usha Devi Vs. M/s. Ghar Laxmi Buildcon Pvt. Ltd.)

Dear Sir/Madam,

This is to bring to your attention that the Real Estate Regulatory Authority, Bihar, vide its Orders dated 18.09.2024 and 07.10.2024 in Complaint Case No. CC/394/2022 (Usha Devi Vs. M/s. Ghar Laxmi Buildcon Pvt. Ltd.), has directed that no funds should be released from the concerned project account of the respondent promoter, M/s. Ghar Laxmi Buildcon Pvt. Ltd.

Accordingly, you are hereby instructed not to release any funds from the following project account until further directions from this Authority:

- Account Holder Name: M/s. Ghar Laxmi Buildcon Pvt. Ltd.
- Bank Name: United Bank of India
- Branch Name: S.K. Puri, Patna
- Account Number: 0599050013998
- IFSC Code: UTBIOSKP462

Your compliance with this instruction is mandatory. Any deviation may be treated as non-compliance with the orders of the Authority.

Thank you for your immediate attention and cooperation in this matter.

Enclosure: Order dated 18.09.2024 and 07.10.2024 in Complaint Case No. CC/394/2022 (Usha Devi Vs. M/s. Ghar Laxmi Buildcon Pvt. Ltd.)
Date: 19.11.2024
Place: Patna

Authorised Signatory

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Double Bench of Mr. Vivek Kumar Singh, Chairman &

Mr. S. D. Jha, Member

Case No: RERA/CC/394/2022

Usha Devi ...**Complainant**

Vs.

M/s Ghar Laxmi Buildcon Pvt. Ltd. ...**Respondent**

Project: Income Tax Residency "Block – A"

Present: For Complainant: Mr. Sumit Kumar, Advocate

For Respondent: Mr. Sujit Chandra Keshari, Representative of respondent.

18-09-2024 **ORDER**

This matter was last heard along with the batch of cases before the Double Bench on 28.08.2024.

This complaint has been filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016. The complainant had booked a flat bearing no 708 having carpet area of 881 Sq. Ft. and balcony area 92 Sq. Ft. in the project Income Tax Residency "Block – A". The complainant's counsel has stated that against the total consideration amount of Rs. 30,00,995/-, the complainant had paid Rs. 25,50,105/- of the total consideration amount. He further submitted that an agreement for sale was executed on 25-06-2019 according to which the said flat was to be completed up to 30-10-2019 but the project has still not been completed by the respondent company. Hence, the complainant has filed this case seeking relief to handover the possession of the flat.

The complainant's counsel has placed on record copy of agreement for sale dated 25-06-2019, Registration Certificate of the

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project dated 02-04-2019 and payment description dated 22-02-2019.

The complainant's counsel has filed a petition dated for impleading Association of Allottees (hereinafter mentioned as A.O.A.) and prayed to transfer the project in terms of Section 8 to the said association for the completion of the project.

The respondent's counsel has filed a reply stating therein that brick work of the project has been completed up to 90% and accordingly plaster work has been started. He has stated that respondent company is ready to handover the possession by 31st March provided that the allottees cooperate the respondent company releasing the instalment as per present material cost. He has further stated that the project has been lapsed and accordingly the respondent is ready to get map re-approved from the concerned authority. He has refuted the submission regarding the twice registration of flats and only those allottees flats were re-allotted who have already entered into cancellation process with respondent-promoter.

The respondent's counsel has filed a letter dated 28-08-2024 stating therein that Complainant has booked flat in the project of the respondent company namely – Income Tax Residency.

Since, the project is lapsed as on date, the complainant was represented through A.O.A. formed in the light of Section 11(4) (e) of the RERA Act, 2016.

Learned counsel for the A.O.A. has further filed written submission on hearing dated 29-05-2024 stating therein four prayers, namely, (i) to handover the said project under Section 8 of the RERA Act, 2016 to the A.O.A. for carrying out the remaining development work of the project (ii) to direct the A.O.A. to operate the financial transactions of the project from the concerned bank (iii) to declare that the respondent – promoter has no right, title, interest in the project since the lapse of extension of registration from 18.12.2021 & (iv) to direct the Bank i.e. Induslnd Bank, Boring Road Branch, not to release any fund to the promoter and further direct the Bank to give statement of accounts to the Association and

release funds in favour of the Association for carrying out remaining development work of the project.

Learned counsel for the A.O.A. also requests for getting an inquiry done by the Authority to ascertain the estimated cost in completing the project. The allottees are ready to bear the cost in completing the project. He also submits that the respondent - promoter has allotted several flats twice to other allottees, to which the respondent's counsel submits that the respondent – promoter has allotted only those flats twice for which cancellation of booking has been sent by the allottees to the respondent. Learned counsel for the respondent submits that he would file counter reply to the written submission filed by the A.O.A. He further submits that brick work of the project, which was launched in the year, 2014, is complete. The respondent – promoter is ready to complete the remaining work provided the allottees cooperate with him.

On hearing dated 28-08-2024, learned counsel for the complainants submitted that the A.O.A. has decided to complete remaining work of the project and in this regard the Technical Wing of the Authority has submitted its report dated 18.06.2024 regarding the estimated cost required for completion of the remaining work of the project. As per the said report, the total estimated cost required for completion of remaining work is Rs. 6,85,64,514.014/-. He further submitted the Association has also got the estimated cost of remaining work of the project evaluated by Evaluator Er. Shashi Bhushan Prasad Yadav , who has submitted its estimated report dated 23.08.2024., which shows that the estimated cost for completion of remaining work is Rs. 3,43,75,000/-. The allottes of the project in question have total due amount of Rs.1,92,22,725/- and they are ready to pay and they have further agreed to bear the cost which may incur in excess to the amount for completion of the remaining work in their proportionate shares. He also submitted that as per technical report of RERA dated 18.06.2024 the promoter has spent only Rs. 2,59,20,485/- as against total receipt Rs.7,13,47,275/- and, thus, the promoter has misappropriated a total sum of Rs.4,54,26,790/- (i.e. Rs. 7,13,47,275/- – Rs. 2,59,20,485/-)which may be recovered from the promoter by referring the matter to the

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EOU or Enforcement Directorate for investigation and recovery of fund.

The respondent has filed a reply dated 05-09-2024 wherein the respondent opposes the proposal of handing over the project to the A.O.A on the pretext that the A.O.A neither has the sanction of the state nor it fulfils the RERA's directives of 2/3 of alloottees. He has stated that the forged list of Allottees along with falsified incorrect payment claims has been submitted. He has further stated that the respondent has applied for extension of the project and also opposed the valuation of the project filed by the A.O.A The respondent has prayed for one opportunity to complete the project.

The Authority heard both the parties at length and perused the entire materials placed on the record and observes that the registration of real estate project Income Tax Residency "Block – A" has lapsed in the year 2021 itself and henceforth, respondent-promoter has not acted in any manner to develop this project. Even, respondent has not got the map revalidated in these years which establishes that respondent-promoter is neither serious in developing this project nor its past actions show their commitment to complete the project. Moreover, respondent never approached the Authority with any proposal which shows seriousness of the promoter about the project completion and due to such act of respondent-promoter, several allottees filed complaint with Authority either demanding possession or refund. Further, in cases where order for refund was passed, the respondent-promoter remains defaulter in not paying the decretal amount. Hence, after taking into account the interests of allottees and considering the prayer and submissions of A.O.A of the project that they want to construct the remaining work of the project in accordance with Section 8 of the RERA Act, 2016, the Authority observes that as the promoter's right to construct remaining of the project has ceased to exist as per the provision of Section 8 of the RERA Act, 2016 due to the lapse of registration of the project, there is no merit in granting the right for completion of remaining work in Income Tax Residency "Block – A" to the respondent-promoter, especially when allottees and their association are vehemently opposing it.

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The Authority also observes that various opportunities were already provided to the respondent-promoter to complete the project but they failed. Under these circumstances, the Authority agrees with the submission of allottees not to get the remaining work done by the respondent-promoter and endorses the proposal of the A.O.A to get the remaining development work completed with the observation that this may be referred to State Government as provided under Section 8 of the RERA Act, 2016.

Let this matter be referred to government for consultation as provider under Section 8 of the RERA Act, 2016.

The Authority also directs the A.O.A. to make an application for registration of the project for Income Tax Residency "Block – A" under Section 4 of RERA Act, 2016 after the views of the State Government are obtained.

The Authority also observes that the A.O.A has pointed out about the misappropriation / embezzlement of fund by the promoter. The A.O.A is free to take appropriate action for the misappropriation / embezzlement of fund as per the relevant statutory provisions as it deems fit. The Authority also directs the Registration Wing, RERA, Bihar to issue a letter to the Indusland Bank, Boring Road Branch Patna for not releasing any fund from the concerned Project Account to the respondent – Promoter. A copy of this Order should also be sent to the said Branch.

With these observations and directions, the matter is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Vivek Kumar Singh
Chairman

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REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh & Hon'ble Member Mr. S.D. Jha, RERA Bihar,

RERA/CC/394/2022,

Usha Devi ..... Complainants

Vs.

M/s Ghar Laxmi Buildcon Pvt. Ltd. ..... Respondent

Project:-INCOME TAX RESIDENCY "BLOCK - A"

RECTIFICATION OF ORDER DATED 18.09.2024

07.10.2024 The rectification petition dated 03.10.2024 has been filed under Section 39 of the RERA Act 2016 by the complainant's counsel for rectification of the order dated 18.09.2024 passed in RERA/CC/394/2022, wherein, it is stated that in the penultimate paragraph of the aforesaid order inadvertently in place of United Bank of India, S.K.Puri Branch, Patna, Indusland Bank, Boring Road Branch, Patna, has been mentioned, which, as per RERA Registration Certificate dated 02.04.2019, is not correct and the correct Bank's name and account number are United Bank of India, Branch – S.K.Puri, Patna, Account no.0599050013998, IFSC Code – UTBIOSKP462.

Perused the record including the Registration Certificate dated 02.04.2019. It is evident from the Registration Certificate of the project that the correct Bank's name and account number mentioned therein are United Bank of India, Branch – S.K.Puri, Patna, Account no.0599050013998, IFSC Code – UTBIOSKP462 and in the order dated 18.09.2024 it has wrongly been mentioned as Indusland Bank, Boring Road Branch, Patna.

Accordingly, the order dated 18.09.2024 passed in RERA/CC/394/2022 is modified to the extent that in the said order the Bank's name and account number of the respondent should be read as United Bank of India, Branch – S.K.Puri, Patna, Account no.0599050013998, IFSC Code – UTBIOSKP462, instead of Indusland Bank, Boring Road Branch, Patna.

The rectification petition is, accordingly, disposed of.

S.D.Jha
Member

Vivek Kumar Sing
Chairman

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भू–सम्पदा विनियामक प्राधिकरण
(REAL ESTATE REGULATORY AUTHORITY, BIHAR)
चौथा/छठा तल्ला, बिहार राज्य भवन निर्माण निगम लिमिटेड, मुख्यालय भवन, परिसर
शास्त्रीनगर, पटना–800023

सं०सं०–RERA/PRO.REG-355/2018/..... पटना, दिनांक–18.01.2022

प्रेषकः–

प्राधिकृत पदाधिकारी,
भू–सम्पदा विनियामक प्राधिकरण,
बिहार, पटना।

सेवा में,

Shree Sujit Kumar Singh (Project Incharge)
Ghar Lakshmi Buildcon Private Limited
Plot No 5 , South Sri Krina Puri , Patna-800001
Email Id:- gharlakshmibuildcon@gmail.com

विषय :– **भू–सम्पदा विनियामक प्राधिकरण, बिहार से Project: INCOME TAX RESIDENCY (355) के निबंधन हेतु आप से प्राप्त आवेदन के संबंध में।**

प्रसंग :– **Application Id: RERAP00273-1/355/R-552/2019**

Sir

With regard to your project Income Tax Residency, whose registration has already lapsed, you are directed to get the map of the project re-approved by competent authority.
You may apply for re-approval with association of allottees as co-promoters of the project to the competent authority.
Please submit a copy of the application submitted to the competent authority to RERA Bihar.
You may send your reply by email sending the mail to reg.rerabihar@gamil.com and attach the requisite documents with the mail.

Regards

Sd/-

Authorized Signatory

REAL ESTATE REGULATORY AUTHORITY, BIHAR

4TH /6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION LIMITED COMPLEX, SHASTRI NAGAR PATNA - 800023

FORM 'F'

[See rule 6(4)]

CERTIFICATE FOR EXTENSION OF REGISTRATION OF PROJECT

This extension of registration is granted under section 6, to the following project:

Project registration number : **BRERAP00273-1/355/R-552/2019**

Project Name : **Income Tax Residency (Ongoing Project)**

Project Addres : **Danapur, Patna (Khesra/Plot No.-1677, 1675, 1667, Khata No- 91, 90, 35, Thana No- 41, Mauza- Lakhni Bigha),** Sub Division/District : **Danapur, Dist.- Patna**

1. **Company Ghar Lakshmi Buildcon Pvt. Ltd. having its registered office at Plot No 05, South Krishnapuri, Patna-800013**

2 This extension of registration is granted subject to the following conditions, namely:-

(i) The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment, plot or building, as the case may be, or the common areas as per section 17;

(ii) The promoter shall deposit seventy per cent. of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (l) of sub-section (2) of section 4;

(iii) The registration shall be extended by a period of 31-10-2019 to 18-12-2021 [days / weeks / months] and shall be valid until 18-12-2021;

(iv) The promoter shall comply with the provisions of the Act and the rules and regulations made thereunder;

(v) The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project;

(vi) If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

(vii) Due to Covid-19 non availability of materials & Labour.

Dated: 25/11/2020

Place: Patna

25/11/2020

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

Memo NO-RERA/PRO-REG-355/2018..1705 Dated .25/11/2020

Copy to: Chairman RERA/ Members RERA/ Ghar Lakshmi Buildcon Pvt. Ltd.

Copy to: Branch Manager United Bank of India, SK Puri, Patna

25/11/2020

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

Typed By.....
25/11/2020

Checked By.....
25-11-2020

Rechecked By.....
25/11/2020

REAL ESTATE REGULATORY AUTHORITY, BIHAR

4TH /6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION LIMITED COMPLEX,
SHASTRI NAGAR PATNA - 800023

FORM 'C'
[See rule 5(1)]
REGISTRATION CERTIFICATE OF PROJECT

This registration is granted under section 5 of the Bihar Real Estate (Regulation & Development) Rules, 2017 to the following project:

Project registration number : **BRERAP00273-1/355/R-552/2019**
Project Name : **Income Tax Residency (Ongoing Project)**
Project Address : **Danapur, Patna (Khesra/Plot No- 1677, 1675, 1667, Khata No 91, 90, 35, Thana No 41 Mauza- Lakhni Bigha)**, Sub division/District : **Danapur, Dist.- Patna**
Company Ghar Lakshmi Buildcon Pvt. Ltd. having its registered office at Plot No 05, South Srikrishnapuri, Patna-800013

1. This registration is granted subject to the following conditions, namely :-
   a. The promoter shall enter into an agreement for sale with the allottee as prescribed by the State Government[Refer Rule 8, Annexure of Bihar Real Estate (Regulation And Development) Rules, 2017] ;
   b. The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment, plot or building, as the case may be, or the common areas as per section17;
   c. The promoter shall deposit seventy per cent. of the amounts realized by the promoter in a separate account to be maintained in a schedule bank (United Bank of India, Branch Name- SK Puri, Patna, Account No. 0599050013998, IFSC Code : UTBIOSKP462 to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (l) of sub-section (2) of section4;
   d. The registration shall be valid for a period of.....XX.....years.....07.....Months commencing from..2/4/2019..... And ending with **2019/10/30** (Subject to extension of validity of map from Competent Authority) unless extended by the Authority in accordance with the Act and the rules made there under;
   e. The promoter shall comply with the provisions of the Act and the rules and regulations made there under; including quarterly report of the project.
   f. The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.
2. If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted here in, as per the Act and the rules and regulations made there under.

Dated:...2/4/2019.....
Place:...Patna...

2/4/19

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

REAL ESTATE REGULATORY AUTHORITY RERA BIHAR-PATNA

NOTE:

1) This registration is being granted based on the information and documents furnished by the Promoter and the Authority bears no responsibility for the authenticity of the same. In case the promoter submitted a false or invalid document or credential, it may lead to the cancellation of registration of the project by the Authority. Registration granted cannot be construed as evidence in respect of right, conversion of land use title or interest of the plot over which plan is approved.

2) With regard to the information or documents that are not provided by the concerned promoter, the Authority has ensured that written explanation or reason for the same has been submitted to the Authority and it would be put up on the website for public viewing.

3) The above registration is valid for a period of xxyozm.as provided in 2d, subject to the condition that the promoter shall get their map validated for such period from the map sanctioning authority as required under Bihar Building Bye- laws and resubmit the same to the RERA, Bihar. Failure in submitting the validated map may lead to the cancellation of registration of the project by the authority.

4) Promoter shall ensure compliance to all Nocs and obtain Occupancy Permission from the Competent Authority as required under Bihar Building Bye Laws, 2014

5) Open Parking area comes in common area, and as such it cannot be sold.

6) At the project construction site, display of project details on a 6'x 6' board is essential.

2/4/19

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

Memo NO-RERA/PRO-REG-355/2018./459 Dated 2-4-2019

Copy to: Chairman RERA/ Members RERA/ Ghar Lakshmi Buildcon Pvt. Ltd

Copy to: Branch Manager United Bank of India, SK Puri, Patna

2/4/19

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

Typed By Prakash 02-4-19

Checked By 2-4-2019

Rechecked By 2/4/2019