

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer,
Mr. Ved Prakash, RERA, Bihar

Execution Case No.47/2024/RERA/CC/251/2023

Prerna Kumari Executant

Vs.

M/s Agrani Homes Pvt. Ltd. (Ravi Shankar Prasad) Respondent

PROJECT: I.O.B. NAGAR, BLOCK- H

For the Executant: None
For the Respondent : None.

ORDER

11.03.2025

Both parties are absent.

Though both the parties are absent today and the respondent-promoter has also not taken pain to appear but the executant has failed to file reply of the written statement filed by the respondent-Association of allottees on 01.07.2024.

2. The executant has filed the present execution case for direction to the association of allottees not to interfere in construction works of the executant/complainant Prerna Kumari in her Flat no.507 in Block-H of the project I.O.B. Nagar and not to demand remaining consideration from her as she is already making construction of her flat from the remaining consideration and the association of allottees may be restrained from interfering in construction as well as egress and ingress in her flat.

3. On another hand, association of allottees by filing memorandum of submission along with photo copy of the order dated 27.04.2022 passed by a Double Bench of the Hon'ble Authority consisting of Hon'ble Chairman, Shri Naveen Verma and Hon'ble Member, Smt. Nupur Banerjee passed in RERA/CC/1448/2020 and photo copy of the order dated 03.01.2023 passed by Hon'ble Tribunal in REAT Appeal No.47/2022 against the above order of the Hon'ble Authority submits that the association of allottees has been authorized by

the order of the Hon'ble Authority and confirmed by the Hon'ble Appellate Tribunal to complete the remaining construction work of Block-H within stipulated time and in accordance with such order the association of allottees has been carrying out the remaining development work after pulling out the fund by collecting respective amount from allottees and has completed construction of internal part. However, due to scarcity of fund some common area's work is still pending according to planned map which includes installation of elevator apart from other work. The association of allottees further submits that the executant is one of the allottees who is not cooperating with association and even after several reminders she did not deposit her outstanding amount with the association for construction of remaining development works. The association of allottees further submits that without cooperation of allottees the development work of individual flats and common areas are not possible to be completed. Therefore, contribution of the allottees have been utilized for both kinds of work including stairs, elevator, parking space etc. Further due to non-cooperation and non-deposit of the dues amount by the executant, the association of allottees could not proceed to complete the further internal work of the flat of the executant. However, the complete brick work along with the internal and external plaster, kitchen slab, windows, door frame etc. have been completed in the flat of the executant. Further the executant started herself the internal work of her flat without consent of the association of allottees and without making any separate contribution for the construction work relating to the facilities as the association of allottees is only authorized to complete the remaining works of Block-H of the project I.O.B Nagar. As such, the executant cannot start construction of remaining development works of her flat without consent of the association of allottees and without contribution for the works of common areas and common facilities. Further, she has to pay rest amount of Rs.2,67,181/- with the association of allottees for completing the works of common areas and facilities and hence, she may be directed to make payment of the aforesaid amount to the association of allottees.

4. Considering the submissions of the association of allottees and previous submissions of the executant in orders dated 18.03.2024, 06.05.2024, 20.05.2024 and 01.07.2024 it appears that she has failed to pay the remaining amount to the association of allottees rather making

expense in her flat without consent of the association of allottees. The Hon'ble Double Bench of the Authority as discussed above has directed that all the Blocks- G-J of the project I.O.B. Nagar are being treated as separate blocks keeping the interest of the allottees and the promoter's right to construct the remaining development of the project has seized as per the provisions of Section 8 of the RERA Act, 2016 due to lapse of registration of the project. Hence, the Hon'ble Double Bench of the Authority has authorized the association of allottees to complete the remaining development work through a new promoter with the observation that the case may be referred to the State Government as per the provisions of Section 8 of the RERA Act, 2016. The Hon'ble Double Bench of the Authority has further observed that the association of allottees/new promoter shall make an application for registration of Block-H of the project I.O.B. Nagar under section 4 of the RERA Act, 2016 after the views of the State Government are obtained. The Hon'ble Double Bench of the Authority has further directed in the same order about the amount of resources of construction of the remaining development of the project through evaluation and directed the respondent-promoter and new promoter to share cost involved in undertaking valuation of project through a chartered valuer. The Hon'ble Tribunal has confirmed the order of the Hon'ble Double Bench of the Authority. Hence in such circumstances the expense by the executant in her individual flat is not justified from any point of view. So, the executant has to pay the remaining consideration to the association of allottees who shall complete the remaining development work as per the direction of the Hon'ble Double Bench of the Authority vide order dated 27.04.2022 in RERA/CC/1448/2020.

In view of the above directions and observations the case is hereby disposed of.

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar