



REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Double Bench of
Mr. Vivek Kumar Singh, Chairman
&
Mr. S. D. Jha, Member**

RERA/CC/285/2023

with

RERA/CC/286/2023, 287/2023, 288/2023& 407/2022

**Agrani IOB, B – Block Owners’ Association ...Complainant
Vs.**

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

Project: Agrani IOB Nagar “Block – B”

For the Complainants: In-person

For the Respondent: None

ORDER

18-10-2024 The matter (**RERA/CC/285/2023**) was last heard along with the batch of above referred cases before the Double Bench on 16-10-2024 and the order was reserved. The order is being passed today i.e. 18-10-2024.

2. This complaint and the above referred complaints have been filed by the complainants under Section 31 of the Real Estate (Regulation and Development) Act, 2016. The complainants had booked flats in the project - IOB Nagar, Block B. The respondent has failed to complete the construction of the project till date. The complainants have filed the complaint petitions for possession of their flats whose details are given as under:

Case no.	Name of the complainant	Flat no.	Consideration amount paid
CC/285/2023	Shweta	G06	Rs. 15,30,474/-
CC/286/2023	GeetaKumari	G01	Rs. 27,19,535/-
CC/287/2023	KirtiKumari	201	Rs. 8,25,000/-
CC/288/2023	Mukesh Kumar	606	Rs. 16,60,850/-
CC/407/2022	Dr. Rana Narendra Kumar Singh	406	Rs. 14,00,000/-

3. The Agrani IOB, B – Block Owners’ Association, has placed on record submissions dated 16.10.2024 containing self-declaration of the allottee’s on affidavit, Memorandum of Agrani IOB, B – Block Owners’ Association, and estimated cost of remaining construction work by empanelled Architect Engineer. The Agrani IOB, B – Block Owners’ Association, is hereinafter referred to as A.I.B.B.O.A.

4. The Authority notes that despite several opportunities provided to the respondent on 24-04-2024, 03-07-2024, 18-09-2024 and 16-10-2024 to file counter reply and appear before the Authority, they did not comply with the directions. They neither appeared before the Authority nor filed any submission till date. Therefore, in view of the non-compliance by the respondent-promoter the Authority presumes that the respondent has nothing to submit further and has accepted the averments of the complainants. Accordingly, the Order is being passed on the basis of documents available on record and submissions made by the complainants.

5. The Authority notes that registration of the project - IOB Nagar (Block –A to F) was granted on 24-01-2019 as one project. The Authority, however, treats that all the blocks as

separate projects keeping in view the interests of allottees which is justified in the light of powers given to the Authority to issue directions as given under Section 37 of the Real Estate (Regulation and Development) Act, 2016, which provides that “Authority may, for the purpose of discharging its functions under the provisions of this Act or Rules or Regulations made thereunder, issue such directions from time to time, to the promoters or allottees or real estate agents, as the case may be, as it may consider necessary and such directions shall be binding on all concerned.”

6. The Authority heard the complainants and perused the materials placed on the record. It observes that the registration of real estate project - IOB Nagar “Block – B” has lapsed on 31-08-2019 itself and thereafter the respondent-promoter has not acted in any manner to develop this project. Even, the respondent has not got the map revalidated in these years which establishes that respondent-promoter is neither serious in developing this project nor past actions show its commitment to complete the project. Moreover, the respondent - promoter never approached the Authority with any proposal showing seriousness of the promoter for completion of the project and therefore, several allottees filed complaints with the Authority demanding completion of the project and possession of the flats. The Authority further observes that in other cases against the respondent where orders for refund were passed, the respondent-promoter remains defaulter in not paying even the decretal amount. Hence, after taking into account the interests of allottees and considering the prayer and submissions of A.I.B.B.O.A. 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 due to lapse of the registration of the project, there is no merit in granting the right for completion of remaining work in IOB Nagar “Block – B” to the

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respondent-promoter, especially when this respondent-promoter is neither willing nor has shown any such intention to handover possession of the flats to the complaints by completing the project.

7. 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 A.I.B.B.O.A. not to get the remaining work done by the respondent-promoter and endorses the proposal of the A.I.B.B.O.A. to get the remaining development work completed with the observation that this may be referred to the State Government as provided under Section 8 of the RERA Act, 2016.

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

9. The Authority also directs the A.I.B.B.O.A. to make an application for registration of the project for IOB Nagar "Block – B" under Section 4 of RERA Act, 2016 after the view of the State Government is obtained.

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

Sd/-
S.D. Jha
Member

Sd/-
Vivek Kumar Singh
Chairman