

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

RERA/CC/135/2021

Mr. Manoj Kumar PriyadarshiComplainant(s)

Vs

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT- IOB Nagar, Main Phase, Block -H

For the complainant: Present through virtual move
Mr. Satya Deep Kumar Singh (Adv.)
For the respondent : Mr. Satwik Singh (Representative)

14.08.2025

ORDER

Shri Manoj Kumar Priyadarshi, the complainant and Shri Satya Deep Kumar Singh, learned counsel on behalf of allottees association appears through video conferencing, but Shri Satwik Singh, the legal representative on behalf of respondent is present in person. On the other hand, Shri Alok Kumar, the Director of respondent company is produced by jail authorities of Phulwarishariff jail through video conferencing.

2. The complainant submits that he had booked a flat no. 407 on 4th floor in Block -H of the project IOB Nagar, Main Phase, having super built up area measuring 612 sq. ft along with one reserved car parking space in the basement on total consideration of Rs. 14,78,929/-, including service tax of Rs. 44,329/- as detailed in 3rd schedule of the agreement for sale no. 21832 dated 16.08.2023 executed between the complainant and Shri Alok Kumar, Director of the respondent company out of which he has paid Rs. 1,50,000/-, including service tax Rs. 4,496/- vide cheque no. 455951 dated 17.02.2013, cheque no. 455958 dated 01.05.2013 for Rs. 40,000/- and Rs. 1,10,000/- respectively. He further submits that he had paid the total principal amount of Rs. 8,30,000/- to the respondent against the above total consideration, which finds mentioned in the agreement for sale and receipts placed on record. He further submits that previously the Division Bench comprising Shri Naveen Verma, the Hon'ble Chairman and Mrs N. Banerjee, the Hon'ble Member of the Authority on 02.08.2022 has directed the

respondent to refund the principal amount of Rs. 8,30,000/- to the complainant along with interest @ MCLR of SBI as applicable for three years plus five per cent as the project was delayed and the complainant has claimed refund of the principal amount. But, now, since the project is being carried on by the association of allottees under section 8 of the RERA Act, 2016 and the same is likely to be completed, the complainant is willing to get delivery of possession of flat in place of refund of the principal amount.

3. He has placed photo copy of interim order dated 02.08.2022 passed by the Hon'ble Division Bench and also photo copy of order dated 27.04.2022 passed by the Hon'ble D.B in RERA/CC/1487/2020 relating the same project IOB Nagar, Block -H. The Director of the respondent company and legal representation of the company does not oppose the submission of the complainant, but they submit that the complainant has to pay the remaining consideration to the association of allottees as the construction of the project Block H is being carried on by the association and whatever action is required, they are providing the same.

5. Learned counsel on behalf of association of allottees does not oppose the submission of the complainant and he also submits that if the complainant is ready to pay the remaining consideration to the association of allottees, he will deliver possession of allotted flat as and when the project is completed.

6. Heard and perused the record.

7. The Hon'ble D.B of the Authority on 02.08.2022 has directed the respondent promoter to refund the amount of Rs. 8,30,000/- along with interest to the complainant and a registered agreement for sale dated 16.08.2013 was executed between the complainant and Shri Alok Kumar, Director of the respondent company for sale of flat no. 407 on 4th floor of Block -H of the project, IOB Nagar, Main phase, having super built up area of 612 sq. ft, along with one car parking space in the basement on consideration of Rs. 14,78,929/-, including Rs. 44,329/- as service tax, which finds mentioned in the said agreement and placed on record. The Hon'ble Authority on 27.04.2022 in RERA/CC/1487/2020 has transferred the right to complete the remaining development work by the association of

allottees as per section 8 of the RERA Act, 2016 after consultation with the Government of Bihar. The Hon'ble Authority has further directed the association of allottees to make an application for registration of the project for H Block under section 4 of the RERA Act after the views of the State Government are obtained. In this way, the association of allottees was authorized by the Hon'ble Authority to carry on the remaining development work of Block H of the said project and all the allottees were required to pay the balance consideration to the association. In such view of the matter, the applicant is also ready to pay the remaining consideration to the association of allottees and new promoter as required in the project. The association of allottees is also agreed with the submission of the complainant.

8. Hence, considering the facts and circumstances of the case, the complainant is directed to make payment of remaining consideration out of total consideration of Rs. 14,78,929/- as he has already paid Rs. 8,30,000/- to the respondent company. Accordingly, the Director of the respondent company / new promoter the association of allottees are directed to deliver and execute sale deed of flat 407 on 4th floor in Block –H of the project IOB Nagar, Main Phase, having super built up area of 612 sq.ft along with one reserved car parking space in the basement in favour of the complainant, Shri Manoj Kumar Priyadarshi and the District Registrar, patna / Sub-Registrar, Danapur are directed to register the sale deed in favour of the complainant on presentation by the respondent promoter/new promoter, association of allottees with respect to the above flat. The office is directed to communicate this order to the District Registrar/Sub-Registrar, Danapur through I.G. Registration.

With the above directions and observation, the case is hereby disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer