

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Mr Naveen Verma, Chairman,
Mr R.B. Sinha & Mrs Nupur Banerjee, Members

CC/907/2020, CC/1024/2020, CC/1160/2020, CC/1199/2020, CC/1335/2020,
CC/1665/2020, CC/1780/2020, CC/1782/2020, CC/146/2021, CC/363/2021,
CC/420/2021, CC/545/2019, CC/648/2019 & CC/649/2019

Rameshwar Nath Prasad/Ram Bhajan Prasad Yadav/Sumant Kumar
Lal/Narendra Kumar/Arbind Prakash Ranjan/Asha Sinha/Sushil
Kumar/Devanshu Kumar/Abhishek Kumar/Madan Kumar
Srivastava/Varsha Sinha/Anuradha Pandey/Rakesh Bharti/Prashant
Kumar Jha/Complainants

Vs

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

Project: IOB Nagar Block I

Present: For Complainants: In persons
Mr Rajesh Kumar, Advocate
Mr BK Sinha, Advocate
For Respondent : Mr Alok Kumar, MD

HEARING THROUGH VIDEO CONFERENCING

16/09/2021

PROCEEDING

Hearing taken up. The complainants are present with Mr Rajesh Kumar, learned counsel of the association .Mr BK Sinha, learned counsel is present on behalf of 10 allottees. Mr Alok Kumar, MD of the respondent company is also present.

Learned counsel of the complainants Mr Rajesh Kumar representing association of allottees referred to the order sheet of the last hearing and supported the request of the respondent extension of registration by six months. He submitted that Section 8 of the Act may not be invoked as the application for extension of time is still under consideration of the Authority. He stated that the provision of Sec 6 of the Act may be read along with Sec 7(3) and Sec 37 of the Act . He also referred to the letter dated 2.11.2020 issued by RERA and stated that now 90% of the allottees are in favour of giving extension to the promoter.

The learned counsel Mr Rajesh Kumar further submits that the association in its meeting passed a resolution forming a new Managing Committee and the Managing Committee with its President Mr Binay

Srivastava . He stated that Mr Alok Kumar, MD of the respondent committee has assured that the remaining 50% work in the project will be done by the respondent company as per proposed plan would be completed in a time-bound period of six months. Referring to the direction of the Authority on the last date that that the association of allottees should take full responsibility under Section 8 of the RERA Act he stated that the association is not in a position to take full responsibility and requests that for the present, Section 8 should not be invoked and the respondent company should be given liberty of completing the project within six months, by February 2022. He stated that work is going on in the sixth floor and the association is satisfied with the progress. He committed that the association and the respondent are ready to file affidavit to the effect that work will be completed within six months. He further prayed for one time exemption for the respondent company to execute registration of the agreement for sale in case of six flats , which would generate significant. Revenues for completion of the project.

Learned counsel Mr. B.K.Sinha appearing on behalf of 10 allottees submitted that his clients do not agree with the proposal as submitted by the respondent and the association.

Since there was a dispute between the two association of allottees, the Authority directed that the list of 10 allottees who are not in agreement with the above submission of the association of allottees may be submitted to the Authority.

The Bench observed that there are total 42 apartments and while assessing the view of the majority of the allottees, the vote of landowner-allottees would have to be counted as provided under the Act/Rules.

The Authority suggested, that in case the allottees are not able to come to a conclusion , the arrangement as ordered earlier in Ashoka project of the respondent company, those allottees who have amount dues may submit the money through cheque/draft before RERA and after getting the work assessed, RERA would release the money to the respondent.

Mr Binay Kumar, President of the association of allottees submits that they have filed petition on behalf of those new six allottee members who have applied for bank loan.

Mr Alok Kumar, MD of the respondent company submits that they are filing petition for revalidation of the map and extension of the validity of the development agreement with landowners.

The Authority takes notice of the respondent company that the work is going on in full swing in the project and that it would be completed within six months. Registration Wing is directed to immediately process the application for extension for registration as it is stated to be pending before the Authority.

The Authority directs the respondent to submit a petition for permission to execute register agreement for sale. All parties may file their written submissions.

Put up on 07/10/2021.

Nupur Banerjee
Member

R.B. Sinha
Member

Naveen Verma
Chairman

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Mr Naveen Verma, Chairman,
Mr R.B. Sinha & Mrs Nupur Banerjee, Members**

CC/1291/2020, CC/1396/2020, CC/712/2019, CC/1094/2020 & CC/1095/2020

**Praveen Kumar/Bharat Lal Singh/Rinki Gupta/
Anita Singh/Usha Kiran Sinha.....Complainants**

Vs

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

Projects: Angel, Phase- 1, Block B & C

**Present: For Complainants: In person
Mr Rakesh Roshan, Advocate
For Respondent : Mr Alok Kumar, MD**

HEARING THROUGH VIDEO CONFERENCING

16/09/2021

PROCEEDING

Hearing taken up. The complainants are present with Mr Rakesh Roshan, learned counsel of the complainant Bharat Lal Singh. Mr Alok Kumar, MD of the respondent company is also present.

The Authority observed that Ms Alka Singh, who was the Director of the respondent company at the time of booking of the flats in the project and has been named as respondent by the complainants should have either appeared or authorized someone and filed written statement on affidavit explaining her stand before the Bench. Mr Alok Kumar MD submitted that she has since resigned as Director.

The Authority observed that Ms Alka Singh is covered under the provisions of Section 69 of the RERA Act and directed that she must be personally present on the next date of hearing.

The complainant Praveen Kumar submits that on 31/05/2015 he booked a flat and paid a total of Rs 3.01 lakh to the respondent but due to inordinate

delay, requested for refund of the deposited amount. He further states that though the respondent gave payment schedule but never paid back the money.

Mr Rakesh Roshan, learned counsel of the complainant Bharat Lal Singh submits that the complainant booked flat in 2016 on a consideration amount of Rs 22.20 lakh and made onetime payment of Rs 19,49,975/- lakh. He further submits that as per agreement the respondent was to hand over flat within 2 ½ years but the project not took off. He requests for refund of the deposited money with interest.

The complainant Rinki Gupta submits that in 2015 she booked flat and paid Rs 31 lakh and got refund of only Rs 6.5 lakh in 2017-18 but the remaining Rs 24.5 lakh is still due with the respondent company. She requests for refund of the deposited money with interest.

The complainant Anita Sinha submits that in 2015 she booked flat and made onetime payment of Rs 21.50 lakh and the flat was to be handed over within 3 ½ years but no work was undertaken by the respondent. She requests for refund of the deposited money with interest.

The complainant Usha Kiran Sinha submits that in 2015 she booked flat and made onetime payment of Rs 17.50 lakh and since the project could not take off, she requests for refund with interest.

Mr Alok Kumar, MD of the respondent company submits that they have submitted the status of Phase I and Phase II in the Project Angel that they will get back money from the land owners approx. Rs 32 lakh in Phase I and Rs 72 lakh in Phase II on cancellation of the development agreement and after getting the money, he will be able to meet the liability of making refund to the allottees in the first fortnight of October, 2021.

The Authority directs the MD of the respondent company to fulfil his commitment of refund of the booking amount to the complainant by 11 October. The respondent company and the land owner- allottees are directed to immediately submit a joint application for cancellation of the development agreement and take further action so that the allottees get back their principal amount along with due interest.

Put up for orders on 21/10/2021.

Nupur Banerjee
Member

R.B. Sinha
Member

Naveen Verma
Chairman