

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/751/ 2019.

Ravi Kant Das **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was heard along with the batch cases in the Bench of Mr. R. B. Sinha, Member on 26.3.2021. The Respondent Company was directed to file reply and timeline for refund of deposits along with interest within 2 weeks. Subsequently it was put up before the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the share of unsold flats held by the Directors of the Company. The promoter was also required to file an affidavit about the ownership of land on which this project is proposed to be constructed. They have also not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.10,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had booked apartment in Block-K in IOB Nagar, Sarari and paid total amount of Rs.18.30 Lacs and MOU was signed on 25.6.2017. He had booked apartment in. The complainant has filed a copy of receipt and copy of the application for refund on 3.12.2019.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. Mr Alok Kumar, Director of the company has admitted before the Authority on the last hearing that he has taken the amount of booking from many customers.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal along with interest on Rs.18.30 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/613/ 2019.

Bhola Nath Singh **Complainant**
Vs.
Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had made onetime payment for an apartment in K Block of Rs.18 Lacs in 2014. His prayer is for refund of his investment as the apartment is not being constructed.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. The Director of the respondent company stated during hearing that his application for registration is pending. Registration Wing is requested to process the application on priority so that the Authority is able to take a considered decision considering the capability of the promoter to raise the finances for construction.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 18.00 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/691/ 2019.

Kunal Kumar

..... Complainant

Vs.

Agrani Homes Pvt. Ltd.

..... Respondent

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The complainant submitted that he had made payment of Rs.15 Lacs for Apartment in Block-K in 2015 but now he wants refund as there is no progress in the project. The promoter has assured that he would refund money in instalments but has not been able to do so and hence this complaint.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. The Director of the respondent company stated during hearing that his application for registration is pending. Registration Wing is requested to process the application on priority so that the Authority is able to take a considered decision considering the capability of the promoter to raise the finances for construction.

Although the Director of the respondent company had submitted that he would undertake construction of the project after it is registered by RERA, the complainant stated that he is not willing to wait but wants refund of deposited money.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 15.00 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/730/ 2019.

Neelam Pathak

..... **Complainant**

Vs.

Agrani Homes Pvt. Ltd.

..... **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.10,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The complainant, a senior citizen, stated that she had made onetime payment of Rs.15.46 lakhs in 2013 and only Rs.1.37 lakhs is due to be paid. She has submitted that she had given opportunity to the promoter to return the principal amount immediately in which case she would not have pressed for interest. However, since the promoter has not returned the principal, she now wants refund of her investment along with interest.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. The Director of the respondent company stated during hearing that his application for registration is pending. Registration Wing is requested to process the application on priority so that the Authority is able to take a considered decision considering the capability of the promoter to raise the finances for construction.

Although the Director of the respondent company had submitted that he would undertake construction of the project after it is registered by RERA, the complainant stated that he is not willing to wait but wants refund of deposited money.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 15.46 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/1762/ 2020.

Madhuri Kumari

..... **Complainant**

Vs.

Agrani Homes Pvt. Ltd.

..... **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.10,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

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The complainant stated that she had made onetime payment of Rs.13 Lacs but she wants an apartment . The Bench noted that the project is not registered as yet. She is directed to clarify whether she is willing to wait further or would like to take a refund.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. The Director of the respondent company stated during hearing that his application for registration is pending. Registration Wing is requested to process the application on priority so that the Authority is able to take a considered decision considering the capability of the promoter to raise the finances for construction.

The Authority directs the respondent company to give a time frame within which an alternative apartment would be made available to the allottee.

Put up on 13.9.2021.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/30/ 2021.

Santosh Kumar

..... Complainant

Vs.

Agrani Homes Pvt. Ltd.

..... Respondent

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that he had booked apartment in Block K in IOB Nagar, Sarari and paid total amount of Rs.14.00 lakhs against the total consideration amount of Rs 16.00 lakhs and MOU was signed on 6.11.2017. He has filed a copy of receipts. His prayer is for refund of his investment as the apartment is not being constructed.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant. The Director of the respondent company stated during hearing that his application for registration is pending. Registration Wing is requested to process the application on priority so that the Authority is able to take a considered decision considering the capability of the promoter to raise the finances for construction.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 14.00 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/166/ 2021.

Preeti Verma

..... Complainant

Vs.

Agrani Homes Pvt. Ltd.

..... Respondent

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The complainant stated that she has made payment of Rs.6.00 lakhs. Her prayer is for refund of her investment because she has cancelled the booking after learning that matters of Agrani Group are being dealt in RERA. The case of the complainant is that after cancelling the booking the deposited amount has not been refunded to her by the promoter.

Perused the records. The MOU dated 30.11.2019 filed by the complainant mentions her along with Smt. Neelam Kumari as co-purchaser for an apartment for a total consideration amount of Rs.24.69 lakhs against which Rs.6.00 lakhs has been paid. The complainant has filed a copy of various receipts issued in her name in the year 2019. A copy of the application for refund dated 9.2.2020 has also been filed.

It is apparent from the documents filed by the complainant that the promoter has been booking apartments even during the pendency of numerous complaints against him and knowing fully well that the project has not been registered by RERA. Such blatant violation of Section 3 of the Act cannot but attract a heavy penalty. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2018.

No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 6.00 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus two percent to the complainant and the co-purchaser Smt Neelam Kumari within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/377/ 2021.

Sugandha Jha

..... **Complainant**

Vs.

Agrani Homes Pvt. Ltd.

..... **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.1,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that she had booked an apartment in IOB Nagar (K Block) and made onetime payment of Rs.10.09 Lacs in 2014. She has requested for refund because the respondent company has not started the work in March,2019. The complainant has also mentioned that the promoter has paid her interim compensation of Rs.11,000.00 per month till 2020. She has filed a copy of letter sent by the respondent company. She has also copy of receipts and copy of the application for refund.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant.

The Authority notes that the construction of the project is yet to commence and directs the respondent company to refund the principal and pay interest on Rs 10.09 lakhs at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking to the date of refund within sixty days of issue of this order.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case No.CC/863/ 2020.

Anita Devi

..... **Complainant**

Vs.

Agrani Homes Pvt. Ltd.

..... **Respondent**

Project: IOB Nagar, Sarari (K Block)

ORDER

31.8.2021:

This matter was last heard by the Full Bench and was heard on 15.6.2021 and on 29.6.2021.

The Director of the respondent company Mr Alok Kumar and his learned counsel had assured the Authority that the desired information and documents would be filed within a week.

The Full Bench could not sit after that date initially due to non availability of one of the Members and subsequently due to its pre occupation in other cases. The Full Bench notes that despite being given a period of two months, no additional documents have been filed on behalf of the respondent company . It appears that the promoter has nothing to offer to these allottees.

The Authority, thus , has no option but to dispose this matter on the basis of available records.

The Authority notes that the Respondent company has not submitted the audited accounts which could have indicated how the funds collected from the allottees of Block K and L have been used. The directions given on the last date were issued to the Respondent Company under Section 35 (1) of the RERA Act read with Rule 24 (1) (a) of the Bihar Rules. Since the promoter has failed to comply with the directions of the Authority, a penalty of Rs.10,000/- for every day of default from the date of order will be imposed on the respondent company till the required information is submitted.

The case of the complainant is that she has made onetime payment of Rs.12 Lacs as a total consideration of amount for apartment in Block-A in March, 2013. A legal notice was sent on 24.8.2019 also. Her prayer is to either give possession of a similar apartment in any other project or refund the total consideration amount along with interest.

Perused the records. No rejoinder has been filed by the respondent. However, the Director of the respondent company along with his learned counsel have been present on the dates of hearing and have not challenged the submission of the complainant.

The Director of the respondent company is directed to submit his response on the prayer of allotting an alternative apartment to the complainant.

Put up on 13.9.2021.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)