

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Bench of Mr. Afzal Amanullah Chairman & Mr R.B.Sinha,
Member**

**Complaint Case Nos. CC168/169/170/171/172/187/203/209/264
279/293/372/723/807/812/863/942/967/987/1114/1115/1117/1
130/1150/1153/1160/1179/1180/1192/1230/1252/1424 of 2019**

Ajay Krishna & Ors Complainants

vs.

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

08.02.2021

PROCEEDING

The proceedings were held through online video conferencing mode. Most of the complainants have joined online. Mr Kishore Kunal, Advocate and Mr Rupak Kumar Advocate are present, representing a few complainants. The Respondent company is represented by Mr. Alok Kumar, Director of the Company.

This proceeding is regarding construction and handing over of flats in Block-D and Block-J of IOB Nagar and Agrani Ashoka.

At the Outset, the Bench recalled the hearing held on the last date (28.01.2021) and stated that since the Respondent Company had not furnished the monthly progress reports during November 2020-January 2021 regarding the three projects, the Bench was constrained to adjourn the hearing to enable respondent company to furnish the progress reports in respect of D and J Blocks of IOB Nagar and Agrani Ashoka within two weeks. The Bench thereafter requested the Respondent Mr. Alok Kumar to share the progress made by him in last three months. Mr Kumar stated that he had submitted the progress reports in respect of these projects through emails to the Authority in pursuance to the directions issued by the Authority on last day of hearing. He stated that the construction work of the D Block was completed and even connection to the transformer has been given. He has requested his architect to prepare the completion certificate. The Bench expressed its displeasure on failure of the respondent in obtaining the completion and occupancy certificate (CC/OC) from the

competent authority in last three months as the promoter had committed to complete the D Block by 31st October 2020. The Authority once again directed the Respondent Company to obtain the CC/OC of the D Block before the registration of the conveyance deeds of the flats and submit the action taken report (ATR) on the next day of hearing.

The Respondent thereafter highlighted the work done in J Block, to which the complainant totally disagreed and said that no work was going on since early January'21 and there was no likelihood of the project getting completed by July'2021. The Bench then permitted the J Block Allottees Association secretary to give a slide presentation before the Bench. In its presentation, the allottees showed that the basic structure of the J Block was virtually complete, with partial brick-work on sixth floor remaining to be done. They also highlighted that the very little work has been done in last three years resulting into damage to the plastering work done on first and second floors. The Bench noted that the entire internal (wiring, plumbing, flooring, kitchen/bathrooms tiling etc) and external finishing work (Access to road, boundary wall, putty, painting, transformer/DG set etc) remains to be done, which is not likely to be completed in next six months. Mr Rupak Kumar, Advocate stated that the promoter was intentionally delaying the project and needs to be severely penalized because he was not fulfilling his obligations under the Act. Mr N K Lal Complainant stated that nearly 4 out of 9 months of the extended period have already passed and the builder has done negligible work in this period.

As regards Agrani Ashoka, several discrepancies were pointed out by the complainants in the claims of the respondent. They stated that the promoter has not done any work since last hearing. He stated that they have pooled together funds to construct boundary walls, transformer etc, for which the promoter had wrongly claimed the credit. It was noted that there was no coordination in the work done in the Project. The Respondent has only permitted individuals to do a few internal finishing work in their flats through the remaining fund/amounts due to be paid to the respondent. In a select few cases, the respondent has either given some funds to complete a few minor works or got them done through his resources. The promoter has not done any construction work since 2017. A lot of work viz floor tiles work, electrical work, boundary work, plumbing work etc are still required to be done. The Complainants requested for early possession of the flat and compensation for the inordinate delay. Another complainant claimed that though he has made full payment five years back, there was no progress in his flat. The promoter was only interested in completing those flats where from they are likely to receive funds.

The Bench however noted that the specific Commitment given by the respondent to the court on 4th November 20 to hire a big contractor, having the capacity for doing all types of work, w.e.f 12th November 2020 to complete the project in the extended period up to 30th April 2021 was altogether not done. The major common areas work like- water connection, sewerage connection, boundary wall etc also remains to be done.

The Bench discussed in detail with the complainants, their advocates and respondent the options available including funding requirements, for early completion of these projects. The Bench also expressed its anguish that the promoter has also misled them on arrangements of financial resources for these projects, given at the time of taking extensions for these projects as practically no/negligible investment have been made by him in these two projects in last 4 months. The Bench also made it clear to the complainants that given the situation, they should be prepared to contribute their remaining dues, when the construction work is completed. The promoter requested that at least those allottees who have paid less than 50 percent of the estimated cost of the their flats should contribute first on priority as nearly 60-65 percent work have been completed in J Block and those allottees who have paid less than 75 percent of the estimated cost of the their flats in Ashoka should contribute first on priority as nearly 80-85 percent work have been completed in Agrani Ashoka.

After detailed discussions and hearing all shades of opinions, the Bench orders that

1. The Promoter shall submit specific milestones-wise time table within a week, latest by **5 pm on 15th February 2021**, for completion of work in respect of each project/Blocks (J Block of IOB Nagar, Agrani Ashoka) indicating inter-alia all major/important pending items of civil & electrical work, water, sewerage & electrical connections with confirmation of financial resources and submit a progress report regarding the development made between 9th February to 22nd February 2021 on the date of next hearing.
2. The promoter shall apply for completion/occupancy certificate for D Block of the IOB Nagar before the competent Authority without any further delay and submit the same to the Authority. .
3. A RERA monitoring team comprising of Mr Jainandra Kumar, Advocate, Mr Sumit Kumar, Advocate and Mr J M Rai, Rtd AE will inspect the sites of construction of three projects (D & J Blocks and Agrani Ashoka) and submit a detailed status report of these projects by 22nd February 2021 to the Bench.

4. Allottees of D Block and Agrani Ashoka shall form a society /association of allottees and get them registered with standard bye-laws/articles /memorandum.
5. The Bench directs the promoter to submit a list of allottees, who have not paid 50 percent and 75 percent of the estimated cost of the flats for J Block and Agrani Ashoka respectively to the Authority. The Bench also directs such allottees to be ready with their funds so that the concerned society/Association could collect them, if required at short notice. Rest of the funds would be released to the Respondent on completion of the projects and after due adjustment of reasonable compensation for delay in handing over possession of the flats.
6. Mr Alok Kumar has agreed to return back to Patna within a week. He directed to be present at the designated hours in his office on each working day to meet the customers in person to convey the plan of the company to complete the project within a time-bound period.
6. Mr Alok Kumar will continue to submit a monthly progress report of each project by 3rd of the succeeding month positively along with videographic /photographic evidence of the work completed/done during the month. It is reiterated that these projects shall be completed by the promoter by arranging their own funds, in view of inordinate delay in completion of the project and final settlement with allottees would done at the time of handing over the possession of the flats.
7. All other complaint cases pertaining to D and J Blocks and Agrani Ashoka Projects should also be combined together with this case.

Put up on 23.02.2021 at 3.30 P.M.

Sd/-
(R. B. Sinha)
Member

Sd/-
(Afzal Amanullah)
Chairman