

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**

Authorised Signatory, RERA vs M/s Agrani group of companies

17.06.2021

Proceedings

Hearing under Section 5 (1) (b) of the Real Estate (Regulation and Development) Act 2016 for rejection of twenty-four project registration applications of Agrani group of companies was held through virtual mode.

Agrani group MD Shri Alok Kumar and his counsel Sri Sanjay Singh represented the respondent company.

Heard the MD of the respondent company and his learned counsel. Learned counsel reiterated his request made in the response of the Respondent company dated 16.6.2021, to the show-cause notices issued by the Authority under section 5 (1) (b) of the Real Estate (Regulation and Development) Act 2016, for three months time for furnishing the requisite documents. The Bench pointed out the provisions of the section 5 (1) of the Act and stated that considerable time has already been given to the promoter and that they should make all efforts to submit the documents within the next 2-3 weeks.

The authorised signatory of RERA pointed out the assertions made by the Director of the Company in his affidavits filed in the batch complaint cases wherein he had stated that registration has been done in favour of some other promoter on the same land proposed by them for the projects of IOB Nagar and Suraj Suman. The Director of the company was unable to give details of the promoters who have been registered by RERA against the same land. The Authority directed the Director of the Company to submit the entire facts on oath giving the full facts of the case and also submit an affidavit from the landowner specifying details if he had registered

development agreements with different promoters for the same plots of land within one week.

The authorised signatory of RERA mentioned that the Director of the Company has filed affidavits in the batch complaint cases stating his intention to withdraw certain projects, and get the money back from the landowners to clear the dues of the complainants. The respondent agreed. The Company was requested to clarify the position in respect of those projects that are pending decision on registration

During hearing the promoter reiterated, with the consent of his Learned Counsel, that applications of projects titled – **Residency, SBI Nagar, Impulse Enclave, Patliputra Enclave, Rudra, Sangeeta Kunj and Suraj Suman** – may be treated as withdrawn.

The Authority decided to reject these applications as withdrawn after settlement of dues of the concerned complainants.

The respondent expressed his intent to continue with **Sapphire** project. The Authority advised him that given the backlog of complaints filed against the Company and the inability of the respondent to refund the dues to those allottees who wish to withdraw from those projects, the Company should first concentrate on completing on-going projects rather than take up new projects. The Company is at liberty to apply afresh for registration of the project only after approved plans are available and completion of those projects the applications of which were not being rejected for now. The Company agreed to abort this project.

The Authority decided to reject the project of Agrani Sapphire as withdrawn after settlement of dues of the concerned complainants.

In reference to the **Angel Phase II** project the respondent sought some time for filing an affidavit for reviving the project after submission of requisite documents. The Full Bench gave three weeks time for submission of the documents which would be followed by submission of a fresh affidavit.

In the case of the **Shiv Dhyan** project, the respondent expressed willingness to carry out the project. The Full Bench directed the respondent to submit requisite documents within two weeks and submit

an affidavit detailing the plans along with availability of financial resources for executing the project.

The Authority requested the respondent to clarify the situation in case of **IOB Nagar (K&L)** as in the previous date of hearing, a large number of complainants had stated they had paid the requisite amount to the builder 7-8 years back but work had not yet started. The Director of the respondent company submitted he intended to continue the project. The Full Bench pointed out that no construction work has been done in last 6-7 years and hence directed the respondent to submit an affidavit giving details of the plan of the respondent along with availability of financial resources after refund of deposits to the complainants who are not desirous of continuing in the project. Two-week time was given to the respondent for filing the affidavit.

As regards **Prakriti Vihar** project, the respondent requested that he should be allowed to give land to those who were willing to take it in lieu of the money paid earlier in some other projects for settlement of some cases. The Full Bench discussed the issue in great depth and felt that an issue of equity is involved as complainants from the much earlier period 2011-15 were waiting for their refund while in this proposal, the allottees of 2016 onwards would be given the plots of land for their deposits along with interest. The Authority noted that in a letter of 16 June, 2021, Mr Alok Kumar has, inter alia, proposed that they would undertake development activities after road demarcation, registration and handing over possession. The Authorised Signatory of RERA mentioned the following deficiencies in the relevant application for registration-viz map as approved by competent authority not submitted ; the order of mutation and land revenue receipts is not available and date of completion is not clear. The Authority directed the respondent company to rectify these and submit the required documents within one week. The Authority further directed that the issues related to the registration of Prakriti Vihar project would be taken up along with the pending complaints filed by the allottees of this project before it. Registration wing is directed to share this order with the Legal Wing RERA so that a consolidated view is taken on the next date of hearing.

In view of the prayer for time submitted by the respondent, the decision on rejection of registration application of **Daffodils City, PG Town, PG 1, PG 2, Highway City, Sunrise City, IOC (A+B), BOB City, Galaxy C & D, C2, IOB (M to Q) and IOB (R to Q)** projects was kept pending. The promoter was directed to submit all requisite documents, called by the Authority in its query letters and subsequent reminders within three weeks. If the documents are not received within this period, the Authority would take a decision on the basis of available records.

Registration wing may take necessary action accordingly.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)