

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**CC/1055/2020, CC/1424/2020, CC/1439/2020, CC/1448/2020, CC/1487/2020,  
CC/1511/2020, CC/1665/2020, CC/1781/2020 & CC/1798/2020**

**Santosh Kumar/Rakesh Ranjan Mishra/Ravi Shankar  
Prasad/Prerna Kumari/Niranjan Kumar/Rubi Kumari/Asha Sinha/Bhola  
Prasad Gupta/  
Sushma Kumari.....Complainant**

**Vs**

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

**Project: IOB Nagar Block H**

Present : For Complainants : Mr Manas Prakash, Advocate  
For Respondent : Mr Alok Kumar, MD

**02/09/2021**

**HEARING THROUGH VIDEO CONFERENCING**

Hearing taken up. Mr Manas Prakash, learned counsel of the complainants and Mr Alok Kumar, MD of the respondent company are present.

Learned counsel of the complainants submit that he has filed Vakalatnama on behalf of 36 allottees ( against a total of 43 allottees) with complete proposal for completion of the project. They have been under negotiations and finally M/s Winsome Infrastructure has given consent to complete the remaining work in the project worth Rs 4.4 crore and the amount to be collected from the allottees is around Rs 3.5 crore. There are total 56 flats in seven floors building with 8 flats on each floor. Out of these 56 flats, 3 flats are unsold and prays for permission to the Association of Allottees formed to sell those 3 flats. He stated that the respondent company has probably sold one of these apartments during the pendency of these proceedings even while the accounts were frozen by the Authority which is evident from the assertions made by the complainant in CC 679/21.

He further submitted that there are 7 criminal cases pending against him and warrant has been issued and the objected to his presence during the hearing. He was requested to collect the facts about the cases and submit it before the Authority. He further requested that with regard to the payment to the proposed builder and time bound completion of the project, registration be granted by RERA.

The MD of the respondent company submits that he will file reply and submit complete package of work for completion of the project. The Authority directed that copy of the reply filed by the complainants should be served on the respondent company.

The Authority observed that the validity of registration of the project has lapsed in December, 2019 . The Authority will take cognizance of the proposal of the complainants and examine the same under Section 8 of the RERA Act. After the registration has lapsed the decision to associate the promoter to complete the remaining work has to be taken on the suggestion of the association of allottees. The association of allottees along with the proposed promoter M/s Winsome Infrastructures would have to submit an application for registration with RERA for which a concrete, detailed, time bound and feasible proposal may be submitted before the Authority. The Authority requested the learned counsel of the complainants that the Association of Allottees should get themselves registered.

The Authority directed both the parties to file their respective replies with all the details as suggested by the Authority.

Put up on 09/09/2021 for final hearing.

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/907/2020, CC/1024/2020, CC/1160/2020, CC/1199/2020, CC/1335/2020,  
CC/1780/2020, CC/1782/2020, CC/146/2021 & CC/420/2021**

**Rameshwar Nath Prasad/Ram Bhajan Prasad Yadav/Sumant Kumar Lal/Narendra  
Kumar/Arbind Prakash Ranjan/Sushil Kumar/Devanshu Kumar/Abhishek  
Kumar/Varsha Sinha.....Complainant**

**Vs**

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

**Project: IOB Nagar Block - I**

Present : For Complainants : Mr Binay Srivastava, Advocate  
For Respondent : Mr Alok Kumar, MD

**02/09/2021**

**HEARING THROUGH VIDEO CONFERENCING**

Hearing taken up. Mr Binay Srivastava, learned counsel of the complainants and Mr Alok Kumar, MD of the respondent company are present.

Learned counsel of the complainants submits that they have formed Association of Allottees with 38 allottees out of 42 flats sold out and he himself is the President of the Association for which registration is under process with Cooperative Department. He on behalf of the Association of Allottees and the MD of the respondent company has filed proposal with mutual consent for completion of the remaining around 50% work in the project within six months and the work is going on at the sixth floor. He supported the request of the respondent company for permission for registration of agreement for sale of six flats. He further states that since the accounts of the respondent company have been frozen, permission to open a separate bank account to be operated jointly by the Association and respondent company exclusively for Block I may be granted. The bank can transfer the amount in this new account in respect of those allottees who have taken loans from bank.

MD of the respondent company submits that the work will be completed as per proposed plan within six months, the details of which has been submitted before RERA. He stated that Block I will have separate bank account. He further states that there are 6 flats whose registration of sale agreement has not been done and major amount is due with the allottees.

The Authority observed that under Section 8 of the RERA Act, the Association of Allottees has to take responsibility of completion of the work in the project as co-promoter and apply afresh for registration with detailed plan

for completion of the remaining work, phase wise with bar chart. The application may mention the separate bank account exclusively for Block I.

Mr Naresh Gupta, Gen Secretary of the Association submits that they will request the bank to open a separate bank account with no ATM/Debit card and internet facility and money will be drawn only through cheque to be operated jointly and the money collected from the aforementioned six flats would be deposited in that particular account only.

The Learned Counsel appearing in RERA/CC/420/2021 states that the complainant had already paid an amount of Rs. 26,03,466/- out of total consideration amount of Rs. 30,87,545/- and wanted refund. He was requested to send a formal request of cancellation to the promoter/ association of allottees.

The Authority directed the Association of Allottees to file proceeding of the meeting of allottees for formation of the Association and also the proof of applying for registration with the Cooperative Department.

Permission is granted to open a separate bank account exclusively for IOB Nagar Block I in the State Bank of India, Danapur with no ATM/Debit card and no internet banking facility and money will be drawn only through cheque to be operated jointly.

Put up on 16/09/2021.

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/168/2018, CC/169/2018, CC/170/2018, CC/171/2018, CC/172/2018, CC/187/2018,**

**CC/209/2019, CC/293/2019, CC/723/2019, CC/942/2020, CC/1076/2020, CC/1130/2020,  
CC/1498/2020 AO/480/2020, CC/1582/2020 AO/533/2020, CC/1583/2020, CC/1584/2020  
AO/534/2020, CC/1585/2020 AO/535/2020, CC/1586/2020 AO/536/2020, CC/1587/2020,  
CC/1713/2020 AO/583/2020, CC/1714/2020 AO/584/2020 & CC/1770/2020 AO/617/2020**

**Ajay Krishna/Savitri Devi/Meera Gupta/Sanjay Kumar Gupta/Amit Raj  
Kamal/Mithilesh Kumar/ChhayaLal/KaraliPatra/SeemaKumari/Ashwini Kumar  
Tiwary/PrabhaKumari/Shivendu Kumar Mishra/BineetaKumari/Vijay Kumar  
Pandey/Rita Singh/Aryan Pushpjeet/Rajiv Kumar/Santosh Kumar/Lalan Prasad  
Singh/Kumar Gaurav/BaijooMistri/Navneet Sharma.....Complainant**

**Vs**

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

**Project: IOB Nagar Block J**

**Present : For Complainants : Mr Rajesh Kumar, Advocate  
For Respondent : Mr Alok Kumar, MD**

**02/09/2021**

**HEARING THROUGH VIDEO CONFERENCING**

Hearing taken up. Mr Rajesh Kumar, learned counsel of the complainants and Mr Alok Kumar, MD of the respondent company are present.

Learned counsel of the complainants submits that 39 allottees of a total of 40 allottees have formed Association which held several meetings with the MD of the respondent company and after developing a relationship of trust have mutually consented to get the project completed with the present promoter for which the MD has arranged money. It has been agreed that a separate bank account will be opened exclusively for Block J. He further submitted that the respondent company has already started the remaining work and the allottees are satisfied with the work and requested that they may be allowed to continue with the work. While referring to Section 8 and 38 of the RERA Act, he requested the Authority to grant extension for further six months beyond the extended time of 15/07/2021.

The Authority observed that the Act does not mandate to RERA to grant further extension beyond one year and directed the association of allottees and the respondent to file an application afresh as co-promoters for registration with detailed plan with RERA.

The Authority grants permission to open a separate bank account exclusively for IOB Nagar Block J with no ATM/Debit card and no internet

banking facility and money would be drawn only through cheque to be operated jointly.

Put up for orders on 16/09/2021.

Nupur Banerjee  
Member

R.B. Sinha  
Member

Naveen Verma  
Chairman