

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**CC/310/2019 & CC/962/2020**

**Pramod Kumar Dubey/Mrs. Sushma Srivatava.....Complainants**

**Vs**

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

**Projects: Galaxy Block C**

**Present : For Complainants : In person  
For Respondent : Mr. Alok Kumar, MD**

**HEARING THROUGH VIDEO CONFERENCING**

**09/09/2021**

**PROCEEDING**

Hearing taken up. The complainants are present in person. Mr. Alok Kumar, MD of the respondent company is also present.

The complainant Mr. Pramod Kumar Dubey submits that the respondent has not yet refunded Rs 8 lakh in spite of the complainant being a cancer patient with amputated legs and has till date refunded only Rs 3.5 lakh only. The Bench reminded Mr. Alok Kumar, Director of the respondent company regarding the assurance given on the last date to make the refund to the complainant considering his extreme hardship. Mr. Alok Kumar, Director of the respondent company reiterated that funds would be arranged shortly.

The complainant Sushma Srivastava submits that she paid Rs 15 lakh in 2018 and had got refund of only Rs 4 lakh and the remaining amount is still with the respondent for which she wants refund with interest.

The Authority observes that notwithstanding the fact that the project was not registered, the respondent company made new bookings in 2018. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development) Act, 2016.

Mr. Alok Kumar, Director of the respondent company submits that the project Galaxy A and Galaxy B have been completed but due to land dispute work in Galaxy C is held up.

The Authority observed that enough latitude has been given to the respondent company for refund of the amount of the complainants but time and again has failed to come with the concrete plan as to how and when the amount of the complainants will be refunded. The respondent company and its Directors are bound to make the refund to allottees and it is for them to settle

the dispute with the land owner and recover money from them. Mr. Alok Kumar Director of the respondent company submits that the balance sheet would be submitted shortly.

**Put up on 16/09/2021 for orders.**

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/1055/2020, CC/1424/2020, CC/1439/2020, CC/1448/2020, CC/1487/2020,  
CC/15112020, CC/1665/2020, CC/1781/2020 & CC/1798/2020**

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

**Vs**

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

**Projects: I.O.B. Nagar Block:- H**

**Present : For Complainants : Mr. Manas Prakash, Advocate  
For Respondent : MrAlok Kumar, MD**

**HEARING THROUGH VIDEO CONFERENCING**

**09/09/2021**

**PROCEEDING**

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

Mr. Manas Prakash, learned counsel appearing on behalf of the complainants Santosh Kumar, Rakesh Ranjan Mishra, Ravi Shankar Prasad, Prerna Kumari, Niranjan Kumar, Rubi Kumari, Asha Sinha, Bhola Prasad Gupta and Sushma Kumari submits that as per last order, association of allottees have been formed and the process of getting the same registered under the Companies Registration Act has been initiated. He stated that since the registration of the project has lapsed the erstwhile promoter has no locus standi and as per Section 8 of the Act, the association of allottees have the first right of refusal while considering alternatives to complete the project.

Mr. Alok Kumar, MD of the respondent company had sent a petition a day before the hearing. Copy of the same may be given to the learned counsel for the complainants.

Mr. Alok Kumar, MD of the respondent company submits that G, H and I blocks were registered as one project with RERA and taking the three blocks together 2/3<sup>rd</sup> of the allottees are with him . He further submits that he applied for registration of the project which took 9 months in RERA due to which the project got delayed. He prays for giving those 9 months' time to complete the project. He further states that 28 allottees are defaulters and have not paid 5/6 installments as per schedule in the construction linked instalment plan and since they have not paid despite notices, their allotments may be

cancelled . He also states that they have filed appeal before the Tribunal and notices have been issued to the allottees.

The representatives of the association of allottees submitted that the project was to be completed by 2014-15 but the respondent delayed the project. Therefore, the allottees have stopped paying the installments. The learned counsel for the complainants prays for time to file reply on the petition filed by the respondent.

Time allowed.

The Authority directs the respondent to engage a chartered valuer, with the consent of the association of allottees, for evaluation of the work done so far in the present project the cost of which will be borne by the respondent company . Let the report of the valuer be submitted before the Authority.

**Put up on 23/09/2021.**

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/652/2019, CC/1100/2020, CC/1303/2020, CC/1343/2020, CC/164/2021,  
CC/261/2021, CC564/2021, CC/732/2019, CC/924/2020, CC/1339/2020,  
CC/1826/2020, CC/152/2021, CC/381/2021, CC/514/2021, CC/343/2021,  
CC/502/2021, CC/20/2021, CC/212/2021, CC/545/2021, CC/1259/2020,  
CC/1260/2020, CC/1653/2020, CC/699/2021, CC/710/2019, CC/1263/2019,  
CC/1791/2020 & CC/64/2021

Baby Ritika/Niraj Kumar/Ashok Kumar Chanchal/Kiran Singh/Mayank  
Sharma/Sidhanshu Raj Karn/Randhir Kumar & Mrs. Rekha Kumari/Sanjay  
Kumar/Harshdeep Anand/Sanjay Kumar/Smita Sinha/Saumya Singh/Sinha  
Mritunjay Kumar/Bipul Kumar/Baidehi Kumari/Manju Sinha/Mohamad  
Shahjad Alam/Pramod Tiwari/Gagan Prakash Bharti/Binod Kumar  
Verma/Vivek Roushan/Arati Verma/Aman Kumar/Shri Amar Nath Singh/Dr.  
Reema Bahan/Abhishek Kumar/Kaushal  
Kishore.....Complainants

Vs

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

Projects: Daffodil City Block A, B, C, D, E & F

Present : For Complainants : In person  
Mr Kishore Kunal, Advocate  
Mr AK Mishra, Advocate  
For Respondent : Mr Alok Kumar, MD  
Mr. Rana Ranvir Singh, Director

## HEARING THROUGH VIDEO CONFERENCING PROCEEDING

09/09/2021

Hearing taken up. The complainants are present with learned counsel Mr. Kishore Kunal and Mr AK Mishra. Mr. Alok Kumar, MD of the respondent company is also present alongwith Mr. Rana Ranveer Singh, Director.

Mr Kishore Kunal, learned counsel of the complainant Baby Ritika submits that out of the consideration amount of Rs 23 lakh, they have paid Rs 19 lakh in 2015 but no work in the project has been done. He submits that the respondent has not yet informed the Authority about the strategy and schedule to refund the money. He states that if the respondent offers any plot in Prakriti Vihar, they are ready to accept it.

Mr. Alok Kumar, MD of the respondent company submits that the Authority has rejected the application for registration of the project under Section 5(1)(b) of the RERA Act and ordered that the deposited money be refunded to the intending buyers. He further states that he has filed a petition

yesterday night regarding payment made by the allottees, amount due against them and cancellation.

The Authority observed that six weeks' time was given to the respondent to submit the required documents for registration of the project but the respondent company failed to submit papers/documents and therefore, Prakriti Vihar project was rejected. The respondent can apply afresh for registration with the necessary documents and suggested the MD of the respondent company to approach the competent authority for approval of the map and those allottees who are not interested in taking refund could be allotted flat in this project after adjusting their investment therein.

The Authority after going detail hearing have given three options to the allottees i.e. (i) either they can ask for refund of the money, (ii) or they can be wait for the said project to be completed assuming that the promoter is able to obtain approval from the Authority and (iii) they can adjust their amount by getting plot in the Prakriti Vihar project. All other allottees stated that they have lost faith in the respondent company and they have demanded refund of their amount with interest at the earliest.

Mr Rana Ranvir Singh, Director of the company submits that he will come with a complete proposal showing the land held by the company in Prakriti Vihar project and prepare a plan for plotted development to be submitted before the planning authority before applying afresh for registration with RERA. He was also directed to submit the details of the land held in SBI Nagar project.

The Authority directs that the respondent company may engage a chartered valuer to indicate the present market value of the assets held by the company.

The complainant Niraj Kumar submits that he had paid Rs 5.11 lakh in 2015 and has got refund of only Rs one lakh only and the remaining amount is still due and prayed for refund with interest.

The complainant Ashok Kumar Chanchal submits that he made onetime payment of Rs 23 lakh in 2016 and now wants refund with interest.

The complainant Kiran Singh submits that she paid Rs 19 lakh in 2015-16 and now wants refund with interest.

The complainant Mayank Sharma submits that he paid Rs 5.8 lakh in 2016-17 and now wants refund with interest. He also submits that the representative of the promoter had shown about 3 kathas of land near the project as purchased by the company and suggested that this land could be attached to clear their dues. The representatives of the respondent company denied that they have any land other than those under the development agreement. The respondent is directed to state this on oath. The learned counsel for the complainant is requested to obtain details of that land as it has not been disclosed by the promoter.

The complainant Sudhanshu Raj Karn submits that he paid Rs 3.51 lakh and additional 50,000/-in 2019 and wants refund with interest.

The complainant Randhir Kumar submits that he paid Rs 1.2 lakh in 2019 and wants refund with interest.

Mr AK Mishra, learned counsel of the complainant HarshdeepAnand submits that the complainant paid Rs 2.21 lakh in 2019 and wants refund.

The complainant Smita Sinha submits that she paid Rs 5.21 lakh in 2018 and later deposited Rs 3.18 lakh and now wants refund with interest.

The complainant Mritunjay Kumar submits that he paid Rs 5.90 lakh in 2018 and now wants refund with interest.

The husband of the complainant Baidehi Kumari submits that she paid Rs 5 lakh in 2018 and now wants refund with interest.

The Authority observes that notwithstanding the fact that the project was not registered, the respondent company made new bookings in 2019. This is a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Suo motu proceedings may be initiated against the respondent company under section 59 of the Real Estate (Regulation and Development ) Act, 2016. The evidence of violation is available in the petitions filed by the above complainants.

The complainants should have exercised more caution and checked whether the project has been registered with RERA before making the payment to the promoter. Most of the allottees stated that they had no knowledge of the Real Estate ( Regulation and Development ) Act, 2016 and the functioning of RERA.

The media cell of the Authority is directed to take notice of this and prepare a multi media plan for publicity and advocacy of the various provisions of the law enacted to protect the interest of allottees.

The representatives of the respondent company are directed to immediately withdraw all their prospectus and advertisements from their web site , other property related platforms and social media platforms including Facebook stating that they will resume operations only in respect of projects that get registered with RERA.

The son of the complainant Manju Sinha submits that she paid Rs 4.95 lakh in 2017-18 and now wants refund with interest.

The complainant Binod Kumar Verma submits that he paid Rs 4 lakh in 2016 and wants refund with interest.

The complainant Vivek Roushan submits that he paid Rs 4 lakh in 2016 and wants refund with interest.

The complainant Aarti Verma submits that she paid Rs 2.8 lakh in 2017 and wants refund with interest.

The complainant Amar Nath Singh submits that he paid Rs 3.76 lakh in 2017 and wants refund with interest.

The husband of the complainant Dr Reema Bahan submits that she paid Rs 2.06 lakh in February 2019 and wants refund with interest.

The Authority directs that evidence in this case may also be included in the proceedings to be initiated against the promoter under section 59 of the Act.

The complainant Kaushal Kishore submits that he paid Rs 4 lakh in 2017 and wants refund with interest.

Mr. Alok Kumar, MD of the respondent company submits that he is in process of getting the said project completed through another builder and have prayed for time to refund the amount of the allottees.

The Authority observes that evidently majority of the allottees are demanding refund of their paid amount with interest but, the respondent have again no answer as to how and when the money will be refunded.

The Authority would pass final orders in these cases and if the refunds are not made within the specified time frame, the allottees can file execution cases after which all coercive steps provided under the Act, including instituting criminal case as well as recoveries through attachment of property under P.D.R. Act and/ or civil imprisonment can be considered against the M.D. and other Directors of the respondent company,

Put up on 30/09/2021 for order.

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/1384/2020 & CC/1385/2020**

**Anamika Kumari/Ravi Kishore & Another.....Complainants**

**Vs**

**M/s Sheba Welcon Builders Pvt Ltd.....Respondent**

**Projects: Rajeshwar Apartment**

**Present : For Complainants : Mr. Sumeet Singh, Advocate  
For Respondent : None**

**HEARING THROUGH VIDEO CONFERENCING**

**09/09/2021**

**PROCEEDING**

Hearing taken up in respect of CC/1384/2020. Mr. Sumeet Singh, learned counsel of the complainant is present. No one has appeared on behalf of the respondent company.

Learned counsel of the complainant submits that interim order was issued by the Authority and the respondent company was directed to file reply failing which ex-parte order will be issued. He further states that there are 3-4 criminal cases against MD of the respondent company.

Put up for order on 30/09/2021. The respondent company may file reply within a week otherwise ex-parte order will be passed.

It was noted that CC/1385/2020 is being heard by the single Bench of Hon'ble Member Mr R B Sinha and there is no direction to put it before the Full Bench. Let this matter be listed in the Single Bench.

Nupur Banerjee  
Member

R.B. Sinha  
Member

Naveen Verma  
Chairman