

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

CC/723/2021

Chandra Bhushan Prasad.....Complainant

Vs

M/s Adharshila Housing Buildcon Pvt Ltd.....Respondent

Projects: Central City Panchwati

**Present: For Complainants: Mr SN Thakur, Advocate
For Responden : Mr AP Singh, Advocate**

HEARING THROUGH VIDEO CONFERENCING

13/09/2021

PROCEEDING

Hearing taken up. Mr SN Thakur, learned counsel of the complainant and Mr AP Singh, learned counsel of the respondent company are present.

Learned counsel of the complainant submits that on the last date of hearing, the respondent company had committed to give possession but they have not yet completed the internal work in the flat. Moreover, there is no road, electricity and drainage work being done by the respondent.

Learned counsel of the respondent company submits that due to heavy rain, there is waterlogging in almost all the areas of Muzaffarpur due to which the work could not be competed and prays for three weeks' final time to give possession to the complainant.

Put up 07/10/2021.

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/502/2019, CC/503/2019, CC/537/2019, CC/662/2019, CC/663/2019, CC/664/2019, CC/666/2019, CC/670/2019, CC/704/2019, CC/823/2019, CC/824/2019, CC/828/2019, CC/838/2019, CC/882/2019, CC/1049/2020, CC/1437/2020, CC/1755/2020, CC/688/2021, CC/683/2021, CC/111/2018, CC/112/2018, CC/821/2019, CC/827/2019, CC/848/2019, CC/883/2020, CC/957/2020, CC/1047/2020, CC/1048/2020, CC/1050/2020, CC/1173/2020, CC/1542/2020, CC/1595/2020, CC/181/2021, CC/682/2021, CC/847/2019, CC/940/2020, CC/941/2020, CC/950/2020, CC/982/2020, CC/1228/2020 & CC/1277/2020

Aman Kumar/Manoj Kumar/Gopal Kumar Sinha/Manoj Kumar Singh/Vinay Kumar/Saket Kumar Singh/Md Gheyasul Haque/Manoj Kumar/Ajeet Kumar/Abdul Kadir/Md Shamshad Alam/Rajendra Sah/Babita Srivastava/Bikas Kumar/Sandhya Surabhi/ Sarika Prasad/Subodh Kumar/Rajiv Ranjan Triyar/Ajay Kumar Pandey/Ravi Ranjan/Shiv Kumar Srivastava/Saroj Kumar Choudhary/Priyanka Bharti/Shyam Kishor/Abhishek Kumar Roy/Nutam Kumari/Pravin Kumar/Mahesh Prasad/Bhim Sharma/Rajesh Kumar Rai/Nutan Kumari/Sonam Bharti/Soumya Pushpanjali/Arvind Nath/Braj Kishor/Amit Kumar Kushwaha/Hemant Kumar Singh/Tarkeshwar Dhar Dwivedi/Sanjay Kumar/Sonam Singh/Gyan Prakash Sanjay.....Complainants

Vs

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

Projects: Suraj Suman Block A, B & C

**Present: For Complainants: In person
Mr Bipin Bihari, Advocate
Mr Kishore Kunal, Advocate
For Respondent : Mr Alok Kumar, MD**

HEARING THROUGH VIDEO CONFERENCING

13/09/2021

PROCEEDING

Hearing taken up. The complainants are present with Mr Bipin Bihari and Mr Kishore Kunal, learned counsel of the complainant. Mr Alok Kumar, MD of the respondent company is also present.

The complainant Mr Aman Kumar submits that he paid Rs 5.28 lakh in 2014 and wants refund with interest.

The complainant Mr Manoj Kumar submits that he paid Rs 7.31 lakh and wants refund with interest.

The complainant Mr Gopal Kumar Sinha submits that he paid money and wants refund with interest.

The complainants Mr Manoj Kumar Singh, Viany Kumar, Mr Saket Kumar Singh, Md Gheyasul Haque & Mr Ajeet Kumar submit that they paid Rs 14.43 lakh each and want refund with interest.

The complainant Mr Rajendra Sah submits that he paid Rs 10 lakh in 2018 and wants refund with interest.

The complainant Babita Srivastava submits that she paid Rs 7.38 lakh in 2015 and wants refund with interest.

The complainant Bikash Kumar submits that he paid Rs 7.32 lakh in 2018 and wants refund with interest.

The complainant Subodh Kumar submits that he paid Rs 3.36 lakh in March, 2016 and wants refund with interest.

The complainant Rajiv Ranjan Triyar submits that he paid Rs 7.30 lakh in 2016 and wants refund with interest.

The complainant Saroj Kumar Choudhary submits that he paid Rs 5.71 lakh in 2017-18 and wants refund with interest.

The complainant Priyanka Bharti submits that she paid Rs 9.50 lakh in 2018 and got refund of Rs 6.00 lakh and the remaining Rs 3.50 lakh is still due which he wants to be refunded with interest.

The complainants Shyam Kishor and Braj Kishor were represented by their learned counsel Mr Bipin Bihari who submits that both the complainants paid Rs one lakh each which they want to be refunded with interest.

The complainant Abhishek Kumar Roy submits that he paid Rs 7.00 lakh in March, 2019 and wants refund with interest.

The complainant Nutan Kumari submits that he paid Rs 6.26 lakh in 2017 and wants refund with interest.

The complainant Pravin Kumar submits that he paid Rs 3 lakh and wants refund with interest.

The complainant Mahesh Prasad submits that he paid Rs 3.50 lakh in 2017 and wants refund with interest.

The complainant Bhim Sharma submits that he paid Rs 3.30 lakh in 2017 and wants refund with interest.

Mr Kishore Kunal, learned counsel of the complainant Nutan Kumari submits that she paid Rs 7 lakh out of the consideration amount of Rs 26 lakh in 2018 and got allotment letter in April, 2018. He stated that some complainants are interested in lodging criminal cases and requested the Authority to forward FIRs against the respondent to the concerned police authorities.

The complainant Sonam Bharti submits that she paid Rs 7.13 lakh and wants refund with interest.

The complainant Soumya Pushpanjali submits that she paid Rs 2.62 lakh in March, 2017 and wants refund with interest.

The complainant Arvind Nath submits that he paid Rs 5.32 lakh in 2015 and wants refund with interest.

The complainant Amit Kumar Kushwaha submits that he and Mr Hemant Kumar Singh paid Rs 2.71 lakh and 0.51 lakh respectively and want refund with interest.

The complainant Tarkeshwar Dhar Dwivedi submits that he paid Rs 8 lakh in 2016 and wants refund with interest.

The complainant Sanjay Kumar submits that he paid Rs 2.30 lakh in 2017 for shop and wants refund with interest.

The complainant Sonam Singh submits that she paid Rs 3.34 lakh in 2017 and wants refund with interest.

The complainant Gyan Prakash Sanjay submits that he paid Rs 5.19 lakh in Marh 2017 for shop and wants refund with interest.

Mr Alok Kumar, MD of the respondent company submits that they are under negotiation with the land owners and expect more than Rs one crore from them. He further states that due to dispute, the land owner Manish Singh had filed several FIRs against him, and resultantly he cancelled the development agreement with Manish as a result of compromise. He stated that he was not aware that the land owner has thereafter executed the development agreement with M/s Hira Panna Infra Projects Pvt Ltd. He further states that he has given his consent for cancellation of the development agreement to the landowner and that the landowner did not give any information that this project has been transferred to M/s Hira Panna . He further states that the other two development agreements have not been cancelled by him and thus, out of 4 agreements, 2 agreements were cancelled only.

The Authority observed that this project “The Crown” has been registered with RERA on 18/01/2021.

Mr Bipin Bihari, learned counsel of the complainants Shyam Kishor and Braj Kishor submits that the respondent company as a promoter cannot cancel the development agreement unilaterally after creating third parties liabilities on the land. He said that the promoter has been booking the flats since 2013 in the project Suraj Suman to be developed on the said plots of land and had submitted the application for registration of the project with RERA in June 2018. He questioned the rights of both the promoter and landowner of the Project Suraj Suman to unilaterally cancel the development agreement in 2019 without taking the approval of the third parties/ consumers/allottees and RERA before which the application for registration was pending. He further alleged that the respondent company has concealed these facts before the Civil Court as well as to the Authority at the time of getting the approval of cancellation of the development agreement.

Mr Kishore Kunal, learned counsel of the complainant Nutan Kumari submits that they will be filing petition and requested the Authority to issue summons to all those involved/associated with the project viz the promoter of the Project Crown as well as landowners because the registration of the project has been obtained from RERA without revealing the fact that the previous promoter had already created huge amount of third party liabilities on the project which was proposed to be developed on the same plot of land. He prayed that both the landowners and the new promoter M/s Hira Panna Infra Projects Pvt Ltd. should be summoned as the parties in this case and pending the decision of the Full Bench, the registration of the project may be suspended under Section 7 of the Act.

The Authority noted that Mr Alok Kumar did not inform the Authority that compromise with the land owner has been made in 2019 and also did not inform about withdrawal of the project for which they had applied for registration in 2018. The Authority directs the respondent to forward copy of the FIRs filed against him and the compromise agreement thereafter after which he had foregone his claim over the land. It directs Mr Alok Kumar to refund the deposited money of the complainants within sixty days. The complainants are at liberty to institute criminal cases against the respondent if they do not get the refund.

The Authority further directs the respondent to file petition with affidavit giving complete details about the project with copy of the cancellation of agreement and the details of money lying with the other land owners.

The Authority directs that copy of the FIRs filed against the Mr Alok Kumar and respondent company and the application filed by M/s Hira Panna for registration of the Project Crown be examined separately by the Registration Wing. .

Put up for orders 07/10/2021.

Nupur Banerjee
Member

R.B. Sinha
Member

Naveen Verma
Chairman

