

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble Chairman, Mr. Naveen Verma, Hon'ble Member, Mr. R.B. Sinha & Hon'ble Member, Mrs. Nupur Banerjee,

Complaint Case Nos. CC/468/2019, CC/469/2019, CC/470/2019, CC/471/2019, CC/472/2019, CC/473/2019, CC/474/2019, CC/475/2019, CC/476/2019, CC/489/2019, CC/490/2019, CC/491/2019, CC/492/2019, CC/493/2019, CC/494/2019, CC/495/2019, CC/497/2019, CC/498/2019, CC/499/2019, CC/506/2019, CC/507/2019, CC/508/2019, CC/509/2019, CC/510/2019, CC/511/2019, CC/512/2019, CC/513/2019, CC/514/2019, CC/515/2019, CC/516/2019, CC/551/2019, CC/552/2019, CC/553/2019, CC/554/2019, CC/555/2019, CC/556/2019, CC/557/2019, CC/558/2019, CC/564/2019, CC/565/2019, CC/566/2019, CC/567/2019, CC/570/2019, CC/571/2019, CC/572/2019, CC/601/2019, CC/602/2019, CC/603/2019, CC/604/2019, CC/609/2019, CC/610/2021, CC/624/2019, CC/1609/2020, CC/1610/2020, CC/1611/2020, CC/1612/2020, CC/1161/2020, CC/1623/2020, CC/1677/2020, CC/1679/2020, CC/1680/2020, CC/1681/2020, CC/1709/2020, CC/1772/2020, CC/1890/2020, CC/1080/2020, CC/1773/2020, CC/1783/2020, CC/1877/2020, CC/1858/2020, CC/1876/2020, CC/1811/2020, CC/1792/2020, CC/1784/2020, CC/977/2020, CC/935/2020, CC/952/2020, CC/1845/2020, CC/1689/2020, CC/992/2020, CC/78/2021, CC/110/2021, CC/111/2021, CC/178/2021, CC/179/2021, CC/291/2021, CC/355/2021, CC/362/2021, CC/1657/2020, CC/1658/2020, CC/976/2020, CC/975/2020, CC/974/2020, CC/1162/2020, CC/1163/2020, CC/1164/2020, CC/1102/2020, CC/1194/2020, CC/1165/2020, CC/1079/2020, CC/82/2021, CC/112/2021, CC/113/2021, CC/211/2021, CC/356/2021, CC/1166/2020, CC/1226/202 & CC/1678/2020

Mr. Vikas Kumar/ Mr. Sumit Ranjan/ Smt. Savita Kumari/ Mr. Rajiv Kumar Gupta/ Mr. Manoj Kumar/ Mr. Pradeep Kumar/ Mr. Ajit Kumar Singh/ Mr. Vikash Kumar/ Smt Saroj Sah/ Mr Sushant Patel/ Smt Shubhada Verma/ Mr. Harmindar Singh/ Mr. Kunal Kumar/ Mr. Shyama Kant Sah/ Mr. Ranjeev Ranjan/ Mr. Ashok Kumar Jha/ Mr. Mrityunjay Kumar/ Mr. Abhay Kumar Suman/ Mr. Ganpati Jha/ Mr. Vikram Raj/ Mr. Divya Prakash/ Mr. Ravi Bhushan Mishra/ Mrs. Sanju Jha/ Mr. Shahsikant Prasad Singh/ Mr. Ashok Kumar/ Mr. Akhilesh Kumar/ Mr. Vinod Anshuman/ Mrs. Nilam Devi/ Mr. Anju Jha/ Mr. Santosh Kumar Mishra/ Dr. Rajesh Gupta/ Ms. Madhuri Kumara/ Mr. Vimal Kumar/ Mr. Ratnakar/ Mr. Karunakar/ Mr. Sarangdhar/ Mr. Jai Wardhan Kumar/ Mr. Ajay Kumar And Mr. Vijay Kumar Gupta/ Mr. Bipin Kumar/ Mr. Pramod Kumar/ Mr. Jageshwar Mandal/ Mr. Sangeet Kumar/ Indu Shekhar Singh/ Mrs. Dhaneshwari Singh/ Mr. Shashi Bhushan Prasad/ Mr. Mukesh Kumar Rajak/ Unti Sahu/ Mr. Ashish Kumar Sinha/ Ms Babita Prasad/ Mr. Swami Nath Prasad/ Mr. Sunil Kumar/ Karuna Kumari/ Lakshman Singh/ Rahul Jawahar/ Ranjana Sharma/ Jyoti/ Ashok Kumar Singh/ Dr Nidhi Rani/ Rakesh Kumar/ Sangita Gupta/ Suman Kumar Singhania/ Dadan Kumar/ Mangan Das/ Chetna Kumari/ Sushma Kumari/ Anil Kumar/ Smita Priyadarshi/ Sumita Prasad/ Satyendra Kumar Srivastava/ Raja Ram Prasad/ Triloki Nath/ Rajiv Ranjan/ Ranjana Singh/

Sunita Kumari/ Mrs. Piyusha/ Prashant Shekhar/ Anupama Singh/ Kaushal Kishore/ Nikki Kumari/ Sanjay Kumar Jaiswal/ Arun Kumar Sharma/ Manoj Kr Choudhary/ Priya Ranjan Kumar/ Baadal Vishal/ Dharamsheela Singh/ Reena Gupta/ Sandeep Kumar/ Jyoti Shankar Prasad/ Aparajeeta/ Sarita Kumari/ Kiran Devi/ Ajit Kumar/ Subodh Kr. Rastogi/ Bhupendra Kumar/ Bhupendra Kumar/ Ashutosh Kr. Sinha/ Kamal Kant Singh/ Nitu Kumari/ Bhupendra Kumar/ Puspha Devi/ Narendra Jha/ Chandra Nath Jha/ Gulshan Imroz/ Pushpa Kumari/ Seema Devi/ Kanchan Awadesh/ Nidhi Rani
..... **Complainants**

Vs

M/s DDL Infratech Pvt. Ltd.....Respondent

Present: For the Complainants: Mr. Uday Bhan Singh, Advocate
Mr. Sharad Shekhar, Advocate
Mr. Bipin Bihari, Advocate
Mr. Mohit Raj, Advocate
In persons
For the Respondent: Mr. Siddhartha Prasad, Advocate
Mr. Agreya Pratap, Advocate
Mr. Ravindra Kumar Singh, Adv
Mr. Shiv Kumar, Director

03/06/2021

PROCEEDING THROUGH VIDEO CONFERENCING

Hearing taken up through virtual mode. Mr. Uday Bhan Singh, Mr. Sharad Shekhar, Mr. Bipin Bihari, Mr. Mohit Raj appeared on behalf of complainants. Few complainants are present in person. Mr. Shiv Kumar, Director of the respondent company with his counsels Mr. Siddhartha Prasad, Mr. Ravindra and Mr. Agreya Pratap is also present.

- The MD of the respondent company submits that Agrani Developers Pvt. Ltd. was a partnership firm under which Mr. Shiv Kumar and Mr. Alok Kumar were partners. In beginning of 2011, the firm was separated and divided into two 1) Agrani Infra Developers Pvt. Ltd. 2) Agrani Homes Pvt. Ltd and all assets and liabilities were also divided between two partners and their respective companies. He further submits that some plots of Agrani First City were booked as Agrani Developer Pvt Ltd and sale deeds were executed and the business was carried on by Agrani Infra Developers Pvt. Ltd. He further submits that in 2018 name of Agrani Infra Developer Pvt. Ltd. was changed to DDL Infratech Pvt. Ltd. MD of the respondent company further submits that from **CC/468/2019 to CC/624/2019** (S.No 1 in the cause list dated 03/06/21) two villages are involved 1) Parkhanda 2) Akhtiyarpur.
- The complainant counsel, Adv. Uday Bhan Singh submits that there is no progress in the work since the last date of hearing. He further prays for directing the respondent to give specific time as to when the rectification process will be completed. Respondent company submits that due to Covid 19 after the last date of hearing, nothing has been done as yet. He further submits that so far as the

possession letter and possession is concerned it can be done as soon as possible. He further submits only 4 complainants are left A.K. Jha; Ganpati Jha; Dina nand Singh; Ajit Kr. Singh. He further submitted that rectification of all deeds would be taken up in phases and would be completed by December'21. He requested for short adjournment with regard to the plan for development work and for filing item wise with funds requirements.

- MD of the respondent company submits that there are two projects on the distance of 6 kms out of which 1st project Agrani Woods has 2 villages and 2nd project, i.e. Agrani First City has 1 village. It is also observed in due course of hearing that sanctioning of plan by the Patna Metropolitan Area Authority is another requirement that has to been done by the respondent company.
- Complainant of **CC/624/2019** submits that the MD has given possession for 52 plots after measurement, out of which in 38 plots the plots are not mentioned in the sale deed and so rectification in deeds is necessary. He further submits that the registration was done in 2013 and in his sale deed, about 50-60 plot numbers are mentioned but the plot which was allotted to him is not mentioned in the sale deed and in that case the mutation cannot be done. Ashok Kumar Jha **CC/497/2019**, complainant prays for handing over the possession letter, to which the MD assured to handover the possession and possession letter to remaining complainants by the end of this month i.e. 30th June 2021.
- The Bench further directs the respondent to submit progress report related to implementation of development plan in first week of every month. The Bench directs the MD of the respondent company to complete the rectification work by 15 August 2021 and the development work must be completed by November 2021. To start with, road widening and electrification work can be done by mid July 2021. The Bench further directs the MD of the respondent company to submit the schedule of rectification and future development plan within 1 week and further directs the respondent to submit the overall map and plan of both projects -Agrani Woods & First City to PMAA within three weeks for approval/revalidation.

Put up for hearing on 05/07/2021

- Adv. Uday Bhan Singh appearing in **CC/1609/2020; CC/1610/2020; CC/1611/2020; CC/1612/2020; CC/1623/2020** submits that in these cases, the complainants pray for refund and respondent has agreed to it. He further submits that there is no response from the respondent even after serving the legal notice. The respondent MD submits that when refund process was initiated, complainants prayed for giving the plot after which it was agreed that the plots would be handed over to them. He further submits that the complainants were not ready to take the money but at present they are praying for the refund. The Bench observed that in

these cases the registration has been done. It directs the respondent to file his reply in one week and further gave the liberty to complainants to modify their complaints, if they desired. **CC/1161/2020**; Jyoti Kumari submits that her plot (no. 60) was registered on 17th May 2014 but physical possession has not been given till date. She further submits that her plot is in Parkhanda village- Agrani Woods. MD of respondent company and his counsel assured that possession will be handed over by 10th June 2021.

Put up for hearing on 14/06/2021

Village Akhtiyarpur - CC/1679/2020; CC/1680/2020; CC/1681/2020; CC/1709/2020; CC/1783/2020; CC/1877/2020; CC/1858/2020; CC/1876/2020; CC/1792/2020; CC/1784/2020; CC/1845/2020; CC/362/2021; CC/78/2021; CC/110/2021; CC/111/2021

The Bench noted that the respondents have not submitted any response . During hearing the respondent agreed to handover the possession to all the complainants pertaining to Village Akhtiyarpur within two weeks.

Put up for hearing on 21/06/2021

Village Pakhranda- CC/952/2020; CC/992/2020; CC/1161/2020; CC/1772/2020; CC/1773/2020; CC/935/2020; CC/178/2021; CC/179/2021; CC/355/2021

The complainant counsel submits that complainants pertaining to Parkhanda Village pray for handing over possession of the plots. The MD of the Bench respondent company agreed to hand over the possession to these complainants within three weeks.

Put up for hearing on 28/06/2021

Village Babhanlai- CC/1677/2020 & CC/1678/2020

Adv Bipin Bihari on behalf of **CC/1677/2020** prays for possession of land. He further submits that registration and mutation has been done. MD of the respondent company submits that possession will be handed over within 2 weeks.

First City- Village Dayalpur Daulat- CC/1890/2020; CC/1080/2020; CC/1811/2020; CC/977/2020; CC/1658/2020; CC/976/2020; CC/974/2020; CC/1162/2020; CC/1163/2020; CC/1164/2020; CC/1102/2020; CC/1194/2020; CC/1165/2020; CC/1079/2020; CC/82/2021; CC/112/2021/ CC/113/2021; CC/211/2021; CC/356/2021; CC/1166/2020; CC/291/2021; CC/1657/2020

Adv. Mohit Raj on behalf of **CC/1890/2020** submits that agreement was done in 2010 and a registered sale deed was executed but possession has not been

handed over as yet. He further prays for handing over the possession. The Bench directs the respondent to hand over the possession to Complainants of Dayalpur Daulat on priority basis considering that the registration was done more than 10 years ago . MD of the respondent company stated that due to dispute on some land, he will offer alternate plot to the complainants. The Bench directs the respondent company to figure out and inform the court and the applicants whether the respondent is in position to give the possession or not. If the respondent is in the position to handover the possession, he must hand over the possession within 4 weeks, else if he is not in the position to hand over the possession, he must offer the alternate plots to the complainants. MD of the Respondent company committed to resolve the matter mutually within 4 weeks without the intervention of the Bench.

CC/1166/2020 and CC/1226/2020

In response to a query by the Bench , the MD of the respondent company submits that Agrani Developers Pvt. Ltd. was a partnership firm under which Mr. Shiv Kumar and Mr. Alok Kumar were partners. In beginning of 2011, the firm was separated and divided into two 1) Agrani Infra Developers Pvt. Ltd. 2) Agrani Homes Pvt. Ltd and all assets and liabilities were also divided between two partners and their respective companies. He further submits that some plots of Agrani First City were booked as Agrani Developer Pvt Ltd and sale deeds were executed and the business was carried on by Agrani Infra Developers Pvt. Ltd. He further submits that in 2018 name of Agrani Infra Developer Pvt. Ltd. was changed to DDL Infratech Pvt. Ltd. He admitted that both cases pertain to his company . The complainant was advised to modify the complaint so that the respondent party has to be only Mr Shiv Kumar and not Mr Alok Kumar. The Bench directs the MD of the respondent company to file an affidavit regarding the above .

Adv Sharad Shekhar submits in **CC/1226/2020** possession has been provided but the possession letter issued is contrary to the agreement. The complainant prays for rectification of the deed. The Bench directs the complainant counsel to file petition regarding the same. The respondent assured to address this issue .

Put up for hearing on 05/07/2021.

The Bench directs the respondent to appoint a nodal person for each village so that he could be contacted by the allottees for any help or information.

- **CC/1811/2020** Complainant submits that in 2010 he purchased land but as yet possession has not been handed over. He further prays for handing over of possession. Since the complainant is a retired person Bench directs the MD of the respondent this case may be taken on priority and the respondent would give possession within 10 days.

- Adv Bipin Bihari appearing on behalf of **CC/1689/2020** submits that the case is for refund of money as there was no progress in work in the project. He further submits

that even after serving two legal notices the respondent has not done anything. The respondent submits that he would file his response within two weeks.

Put up for hearing on 21/06/2021

The operative part of the proceedings held online through video conferencing mode is as follows :

After hearing all parties, the Bench made the following directions to the respondent in respect of the ongoing bunch cases:

- a) Registration of Rectification deeds, wherever necessary would commence within a week and the respondent would complete this by 15 August;
- b) Schedule for development works- roads, electricity, water, & sewerage facilities, to be undertaken by the promoter with likely dates of completion would be submitted within a week ;
- c) Possession to the remaining applicants would be handed over by 30 June;
- d) Overall map and development plan of both projects -Agrani Woods & First City would be submitted to Patna Metropolitan Area Authority within three weeks as the earlier approved map would have expired on completion of five years and there have been frequent changes in the plots.

The Bench expressed its displeasure that responses on the various fresh cases filed in last one year have not yet been submitted by the respondent. It observed that a copy of each complaint may be sent again both by the applicant and the office by email to the respondent .

The Bench directed that henceforth all cases would be clubbed depending on the village - mauza in which the land has been registered .

The respondent agreed to hand over possession in a phased manner. He submitted that there could be some cases in village Dayalpur Daulat in which there are disputes and he would offer alternative plots to the complainants in writing. In the event the complainants are willing for exchange they can mutually discuss and see their plots. Those who are not ready for exchange would intimate their unwillingness to the Authority and the respondent .

After hearing both parties, the following schedule was agreed:-

1. Project Agrani Woods - village Pakhranda- possession will be handed within 21 days. **Cases pertaining to Pakhranda village would be listed on 28 June, 2021.**

2. Project Agrani Woods - village Akhtiyarpur - possession within 14 days.
Cases would be listed on 21 June 2021.
3. Project First City - village Dayalpur Daulat - possession would be handed within 4 weeks. The offer of alternative plots in case of disputes would be given within two weeks.
Cases would be listed on 5 July 2021.

Notes:-

1. Case numbers 1609/20; 1610/20; 1611/20; 1612/20; 1623/20 pertain to buy back of land by the respondent after registration of plot . The maintainability of these complaints under RERA Act would be heard on 14.6.2021. Meanwhile the complainants are at liberty to modify their complaints.
2. Case number 1226/20 pertains to rectification of plot. The respondent is directed to address this issue. List it on 5.7.2021.
3. Case number 1811/20 has been filed by a retired official aged above 70 years. This case may be taken on priority and the respondent would give possession within 10 days.
4. Case number 1689/20 pertains to refund. The respondent would file his response within two weeks.

Let the matters be listed accordingly.

**R.B. Sinha
(Member)**

**Naveen Verma
(Chairman)**

**Nupur Banerjee
(Member)**

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble Chairman, Mr. Naveen Verma, Hon'ble Member, Mr. R.B. Sinha & Hon'ble Member, Mrs. Nupur Banerjee,

Case No. CC/496/2019.

Mr. Zaki Ahmad.....Complainant

Vs

M/s DDL Infratech Pvt Ltd Pvt Ltd.....Respondent

Present: For Complainant: Mr. Uday Bhan Singh, Advocate
For the Respondent: Mr. Ravindra, Advocate
Mr. Siddhartha Prasad, Advocate
Mr. Agreya Pratap, Advocate
Mr. Shiv Kumar, Director

03/06/2021

PROCEEDING THROUGH VIDEO CONFERENCING.

Hearing taken up through video conferencing. Mr. Uday Bhan Singh, learned counsel of the complainant is present. Mr. Shiv Kumar, Director of the respondent company with his counsels Mr. Ravindra, Mr. Siddhartha Prasad and Mr. Agreya Pratap is also present.

Respondent counsel submits that exchange deed has been registered and the case can be disposed off. Complainant counsel submits there is no progress in the development work and further prays for not disposing of the case.

The present case must be tagged with the previous batch case of DDL cases.

**R.B. Sinha
(Member)**

**Naveen Verma
(Chairman)**

**Nupur Banerjee
(Member)**