

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Bench of Mr. Afzal Amanullah Chairman & Mr R.B.Sinha,
Member**

**Complaint Case Nos. CC168/169/170/171/172/187/203/209/264
279/293/372/723/807/812/863/942/967/987/1114/1115/1117/
1130/1150/1153/1160/1179/1180/1192/1230/1252/1424 of 2019**

Ajay Krishna & Ors Complainants

vs.

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

23.02.2021

PROCEEDING

The proceedings were held through online video conferencing mode. Most of the complainants have joined online. Mr Kishore Kunal, Advocate and Mr Rupak Kumar Advocate are present, representing a few complainants. The Respondent company is represented by Mr. Alok Kumar, Director of the Company and Mr Sanjay Singh, Advocate.

This proceeding is regarding construction and handing over of flats in Block-D and Block-J of IOB Nagar and Agrani Ashoka.

At the Outset, the Bench recalled the hearing held on the last date (8.02.2021) and stated that the Respondent Company has not furnished any response on the directions given in course of hearing on the last date. Mr Sanjay Singh, Advocate appearing on behalf of the respondent company for the first time in the case, prayed for a short adjournment of two weeks, as he was assigned this case recently and he promised to come out with a substantive report regarding compliances in pursuance to the directions given by the Bench. He also desired to have a copy of the Monitoring committee report, if submitted to the Bench. The Bench thereafter informed that the Monitoring Committee has visited the sites of three projects and interviewed a few allottees/consumers but has requested for a few days time to submit the report. The Bench thereafter directed the members of the Monitoring committee to share the photographs of the projects on screen to show the present status of the projects. The Monitoring committee thereafter shared the photographs with the participants in the hearing. It

was found that while external (one coat) painting in Ashoka was done, the internal finishing work including tiling, plumbing etc in many flats in the project remains to be done. The electrical connection, lift, stairs railings, water and sewerage work, part of the boundary wall etc remains to be done. In J Block, the promoter has done little brick work on the sixth floor. The project was found far behind the schedule and only insignificant work has been done since October 2020 when the extension of registration of the project was given on unequivocal assurance of the promoter that they would be able to commission the project in nine months. As regards D Block, the sewerage and electrical connection to the Transformer still remained to be done.

The Bench expressed its anguish that though this hearing was being held at the behest of the promoter, there was nil or negligible progress in these projects in last three months. The Bench expressed its displeasure on failure of the respondent in obtaining the completion and occupancy certificate (CC/OC) of D Block from the competent authority in last three months as the promoter had committed to complete the D Block by 31st October 2020. The Authority once again directed the Respondent Company to obtain the CC/OC of the D Block before the registration of the conveyance deeds of the flats and submit the action taken report (ATR) on the next day of hearing.

The complainants of J Block totally disagreed with request of the Learned Counsel of the Respondent company and claimed that no work was going on since early January'21 and there was no likelihood of the project getting completed by July'2021. They claimed that the promoter was adopting delaying tactics by changing their advocates frequently. They claimed that five lawyers have been changed in the last six months and requested the Bench not to accept the request of the Learned counsel. The Bench noted that the entire internal (wiring, plumbing, flooring, kitchen/bathrooms tiling etc) and external finishing work (Access to road, boundary wall, putty, painting, transformer/DG set etc) remains to be done, which is not likely to be completed in next six months. Mr Rupak Kumar, Advocate stated that the promoter was intentionally delaying the project and needs to be severely penalized because he was not fulfilling his obligations under the Act. Mr N K Lal Complainant stated that nearly 5 months of the extended period have already passed and the builder has done negligible work in this period.

As regards Agrani Ashoka, the Complainants stated that the promoter has not done any work since last hearing. It was noted that significant work viz

floor tiles work, electrical work, boundary work, plumbing work etc are still required to be done. The Complainants requested for early possession of the flat and compensation for the inordinate delay.

The Bench heard the complainants, their advocates and respondent counsel. The Bench also noted the limited options available including funding requirements, for early completion of these projects. The Bench also expressed its anguish that the promoter has also misled them on arrangements of financial resources for these projects, given at the time of taking extensions for these projects as no/negligible investment have been made by him in these two projects in last 4 months. After detailed discussions and hearing all shades of opinions, the Bench orders that

1. The request of the Learned Counsel of the Promoter for two weeks time is accepted on the condition that the promoter pays a cost of Rs 5000/- (Rupees five thousand only) to each complainant on or before 5th March 2021.
2. Learned counsel of the Respondent Company shall file his comprehensive report in respect of each direction given in the order dated 08.02.2021 along with confirmation of the financial resources for each activity.
3. It is reiterated that complainants of Agrani Ashoka should also expeditiously form a society /association of allottees and get them registered with standard bye-laws/articles /memorandum within two weeks.
4. The report of the monitoring Committee, on its receipt, may be made available to the complainants and respondent company.

Put up on 12.03.2021 at 3.30 P.M.

Sd/-
(R. B. Sinha)
Member

Sd/-
(Afzal Amanullah)
Chairman