

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

CC/167/2018, CC464/2019 & CC/717/2019

Mohd Irfan/Irfan Ahmad/Manha AkhtarComplainant

Vs

M/s Bhootesh Construction Pvt Ltd.....Respondent

Project: Rahmat Tower

Present : For Complainants : In person
For Respondent : Mr Bhola Shankar, Advocate(Counsel
of Respondent No-1)
Mr. Rajiv Nayan, Director

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. The complainant is present. Mr Bhola Shankar, learned counsel of the respondent company is also present.

Learned counsel of the respondent company submits that the MD of the respondent company is in jail due to which reply could not be filed. He stated that reply on the affidavit filed by Mr Rajiv Nayan, Director of the respondent company, will be filed. It has been further stated that whatever liability is with director Arvind Kumar Singh will be complied as soon as the said director gets bail and his bail petition is pending before the Hon'ble Patna High Court.

On the last occasion, Mr. Rajiv Nayan, Director of the respondent company agreed to complete the project Rahmat Tower because around 70 % work in the said project had already been completed but the land owners are not permitting him..

The Authority directed that summons to be issued to the land owner as allottee directing him to appear on the next date of hearing.

The Authority also directed that copy of the affidavit filed by Mr Rajiv Nayan and petition of the complainants be supplied to the learned counsel of Mr AK Singh, MD of the respondent company to file reply.

Put up on 13/09/2021.

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/718/2019, CC/65/2018, CC/68/2018, CC/69/2018, CC/70/2018, CC/71/2018,
CC/72/2018, CC/73/2018, CC/74/2018 & CC/370/2018

Iftexhar Ahmad/Arun Kumar Sharma/Kumari Divya/Ravindra Kumar Jha/Rahul Raj/Alok
Kumar/Rakesh Gupta/Manish Kumar/Sonu Kumar Keyal/Awadhesh
Mishra.....Complainant

Vs

M/s Bhootesh Construction Pvt Ltd.....Respondent

Project: Prakriti Vihar

Present : For Complainants : Mr. Deepak Kumar, Advocate
For Respondent : Mr. Bhola Shankar, Advocate
Mr. Surya Swetab, Advocate
Mr. Rajiv Nayan, Director

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. Mr Deepak Kumar, learned counsel of the complainants are present. Mr. Bhola Shankar, learned counsel of the respondent company is also present.

Learned counsel of the complainants submits that the MD of the respondent company has refunded only 25% of the deposited money before interim bail was granted and the rest amount is still due with the respondent company. It appears that a FIR has been filed against the MD of the respondent company.

Learned counsel of the respondent company submitted that they have filed counter affidavit and copy of which will be served on all the concerned parties. He further stated that all the complainants should give details of their principal amount with the respondent company.

It was observed that the land owner Mr Sudhir Kumar Singh is absenting himself from the proceedings and therefore, issue warrant to the land owner as allottee to appear before the next date of hearing.

Put up on 13/09/2021.

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/473/2021

Aruna Kumari.....Complainant

Vs

M/s Bhootesh Construction Pvt Ltd.....Respondent

Project: Bhoomi Complex

Present : For Complainants : Mr Deepak Kumar, Advocate
For Respondent : Mr. Bhola Shankar, Advocate
Mr. Surya Shweta, Advocate

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. Mr Deepak Kumar, learned counsel of the complainant is present. Mr. Bhola Shankar, learned counsel of the respondent company is also present.

Learned counsel of the complainant submits that Mr Rajiv Nayan, Director of the respondent company has refunded the principal amount after two years but the interest is still due.

Learned counsel of the respondent company submits that they have refunded the principal amount of Rs 10 lakh and Rs 3 lakh as interest to the complainant.

Both the parties may their rejoinder/reply, if any, within a week.

Put up on 13/09/2021 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/434/2019, CC/985/2020, CC/1036/2020 & CC/1037/2020

Sandeep Kumar Kanth/Dr. Anjani Kumar/Satyendra Kumar Sinha/
Manjula Sinha.....Complainant

Vs

M/s DPM Infrastructure and Housing Pvt Ltd.....Respondent

Project: Keshav Enclave

Present : For Complainants : Mr. Punit Kumar
For Respondent : None

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. Mr. Punit Kumar, learned counsel of the complainant is present. No one appeared on behalf of respondent company.

Learned counsel of the complainant submits that they have filed petition on 25/08/2021 stating therein that they have formed Association of Allottees including the land owner and named it KERA and seeking permission for development of common area, to initiate construction work on the project-site with contribution of allottees, permission to sell three unsold flats of developer's share, registration rights and direction/order of the Authority under Section 38 of the RERA Act to attach the property of Mr. Pankaj Kumar Singh, MD of the respondent company for investment in this project.

Mr. Jitendra Kumar on behalf of the Association stated that this building is six years old without plaster which is getting damaged during the rainy season and therefore, work should be allowed to be complete the project on urgent basis.

The Authority directed that copy of the petition be served on the respondent company . Registration Wing may issue notice to the promoter to show cause as to why their application for registration with RERA not be rejected. The Authority further directed that the association should sign agreement with the land owner and get the map revalidated. Land owner/s as allottee/s should also be made a party in the proceedings. In the meantime RERA will get the project examined/analysed with regard to the prayer of the complainants' association.

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/52/2021, CC/391/2021, CC/594/2021, CC/635/2021, CC/636/2021,
CC/637/2021 & CC/775/2021

Bikramaditya Singh/Sanjeev Kumar/Sanjay Kumar/Dheeraj Kumar Jha/Abhishek
Kumar/Neeraj Kumar Jha/Shailesh Chandra Gupta.....Complainant

Vs

M/s DPM Infrastructure and Housing Pvt Ltd.....Respondent

Project: Shivdhari Enclave

Present : For Complainants : In person
For Respondent : None

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. The complainants are present. No one appeared on behalf of the respondent company.

The complainant Bikramaditya Singh submitted that the project was started in January, 2017 and in 2020 the land owner asked the builder to hand over the project to another builder. Mr. Pankaj Kumar, MD of the respondent company has collected around Rs 2 crores but invested only Rs 50/60 lakhs in the project. He further stated that there are several cases filed against the MD.

The Authority directed that all the cases filed before the Authority be clubbed. However, the cases pending before the Adjudicating Officer cannot be clubbed with these cases.

The complainant Sanjeev Kumar submitted that he has paid Rs 7.61 lakh and wants refund of the deposited money.

The Authority directed that notice be issued for rejection of application for registration with RERA.

The Bench advised the land owner and the complainants should file fresh application for registration of the project after getting the map approved and get the project completed.

Put up on 13/09/2021 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/734/2019, CC/1543/2020 & CC/1733/2020

Sharmila Devi/Seema Singh/Bhagwan Prasad.....Complainant

Vs

M/s Amina Construction Pvt Ltd.....Respondent

Project: Sudha Complex

Present : For Complainants : In person
Mr. Jairam Singh, Advocate
For Respondent : Mr Vijay Kumar Sinha, Adv

26/08/2021

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. The complainant along with their learned counsel Mr. Jairam Singh is present. Mr Vijay Kumar Sinha, learned counsel of the respondent company is also present.

Learned counsel of the respondent company submits that Mr Khalid Rashid, MD of the respondent company is in jail due to which he prays for time to collect papers and file reply. He further states that the project is complete. He further submitted that they will file counter affidavit and clarify the legal point on the power of PMC/RERA.

Learned counsel of the complainant submits that they have filed reply a The construction is still going on and completion certificate has not been obtained. The builder has sold one flat to 2/3 persons and therefore, they may be asked to file list of flats sold with names of persons to whom it has been sold.

Prayer for time is not allowed since enough time to both the parties has already been given The Authority observed that if the project registration has not been done and apartments have been sold, penalty would be imposed.

Put up on 23/09/2021 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**

RERA/CC/46/2018

Ranjan Kumar Singh.....Complainant

Vs

M/s Sheba Welcon Builder Pvt Ltd.....Respondent

Project: Rajeshwar Apartment

Present : For Complainants : Mr. Jairam Singh, Advocate
For Respondent : Mr Vijay Kumar Sinha, Advocate

26/08/2021

05/09/20212

HEARING THROUGH VIDEO CONFERENCING

Hearing taken up. Learned counsel of the complainant is present. Mr Vijay Kumar Sinha, learned counsel of the respondent company is also present.

Learned counsel of the complainant submits that they have filed reply stating therein that registered sale deed was signed on 30/04/2015 on payment of Rs 11.85 lakh and Rs 1.65 lakh was to be deposited at the time of possession. They have taken possession of the incomplete flat. He prays for direction to the respondent company for absolute sale deed after completion of the project and registration with RERA.

Learned counsel of the respondent company referring to his reply submits that the complainant has filed criminal case also with the intention to get money from both courts. He submits that the complainants have purchased three flats in Rs 40 lakh and paid Rs 30 lakh and later deposited Rs 6 lakh. Thus total Rs 36 lakh has been deposited. Registered agreement was made for 2 flats for Rs 11.85 lakh each and Rs 4.95 lakh is still due for which the complainants were noticed to make payment by 30/11/2013. Since the complainants did not make payment, their booking was cancelled vide letter dated 04/05/2014 and this apartment has been sold. Stating that the complainant had filed the FIR after sale of the apartment he submits that anticipatory bail was granted on the condition of making the payment in instalments and that the remaining Rs 4.08 lakhs would be returned after the complainant returns the agreement. He further submits that they have signed the development agreement with the land owner on 30/04/2014 and applied for permission for construction of the building for which map was approved. He submits that the project is under 500 meters and has only 8 flats and therefore, it does not come under the purview of RERA and no registration with it is required under the Act.

Learned counsel of the complainants submits that they have filed this case for refund of the remaining amount from the deposited amount of Rs 30.25 lakh plus Rs 6.00 lakh after adjustment of Rs 11.85 lakh each for two flats. Since

registered agreement was signed for two flats and the third one booked flat was sold by the builder to some other buyer, they filed FIR against the builder for refund of Rs 12 lakh. He also claimed that there are 12 flats in the project and the project is required to registered with the Authority.

Put up for orders on 13/09/2021.

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/714/2019, CC/841/2019, CC/855/2019, CC/939/2020, CC/995/2020, CC/1215/2020,
CC/1682/2020, CC/1684/2020, CC/1685/2020 & CC/1686/2020

Nidhi Srivastava//PremlataKumari Sinha/Sarvesh Chandra Mishra/Uttam Kumar/
Uma Pandey/VidishaVerma/Laxmi Singh/Kameshwar Singh/Raju Kumar Singh/
Sanjay Kumar Singh.....Complainant

Vs

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

Project: PG2

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

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

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

The complainant Nidhi Srivastava submits that there is no improvement in the project. She made onetime payment of Rs 16 lakh and now wants refund.

The complainant Premlata Kumari Sinha wants refund of the deposited money of Rs 22.50 lakhs .

The complainant Uttam Kumar deposited Rs 10 lakh and has got refund of Rs 1.50 lakh only and wants refund with interest.

The complainant Uma Pandey made onetime payment of Rs 21.15 lakh two years back and wants refund with interest.

The complainant VidishaVerma deposited Rs 10 lakh and has got refund of Rs 2.50 lakh only and wants refund with interest.

Mr Kishore Kunal, learned counsel of the complainant Laxmi Singh and three other complainants submits that the complainants had deposited Rs 9.00 lakh each in 2017 and wants refund with interest.

Mr Alok Kumar, MD of the respondent company submits that in PG I & 2 map is approved and he wants to continue with the project. The Authority made it clear that the application for the project PG 1 and PG 2 is rejected under

section 5 (1) (b) of the Act as the Respondent didn't furnish the copy of the sanctioned plan/Map despite several reminders and they should file review petition or alternatively fresh application for registration of the project.

The allottees also stated during hearing that they did not want to deal with the promoter any longer and that they wanted refund of their investment.

The Authority observed that the respondent company has expressed that they are not going to continue with this project. The Authority has taken every step against the respondent company viz request to the Government for formation of a SIT to investigate and written to the Home Secretary, DGP and Urban Development Department in this regard and that the respondent company has to make refund of the principal amount with interest to the depositors.

Put up for orders on 20/09/2021.

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/660/2019, CC/711/2019, CC/740/2019, CC/840/2019, CC/922/2020, CC/923/2020,
CC/1058/2020, CC/1619/2020, CC/1305/2020, CC/1747/2020 & CC/117/2021

SushmaPratap/Chandra Prabha/Sushil Kumar Rai/Faisal Nadeem/Manish Manan/
Sujal Kumar/Pramod Kumar/Shobha Devi & Sanjiv Kumar/Arpana Bharti/
Aarti Pandey/Santosh Kumar.....Complainant

Vs

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

Project: Residency

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

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

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

The complainant Sushma Pratap submits that she deposited Rs 13.52 lakh and wants refund with interest.

The complainant Sushil Kumar Rai submits that he paid Rs 5 lakh and wants refund with interest.

The complainant Md Faisal Nadeem submits that he paid Rs 13.50 lakh in 2013 and now wants refund with interest. He submits that the amount may be recovered from the MD of the respondent company by attaching his properties.

The complainant Manish Manan submits that he made onetime payment of Rs 10.08 lakh and wants refund with interest.

The complainant Sujal Kumar submits that he paid Rs 10 lakh and wants refund with interest.

The complainant Pramod Kumar submits that he paid Rs 2 lakh and wants refund with interest.

The complainant Arpana Bharti submits that she made onetime payment of Rs 14 lakh in December, 2012 and wants refund with interest.

The complainant Arti Pandey (CC/1746/2020 & CC/1747/2020) submits that she made onetime payment of Rs 9 lakh in July, 2016 and wants refund with interest.

The complainant Santosh Kumar submits that he paid Rs 8.25 lakh in 2013 and 0.38 lakh in 2018 and thus total sum of Rs 8.62 lakh was paid and now wants refund with interest.

Mr Alok Kumar, MD of the respondent company submits that the land owner is ready to refund Rs 60 lakh.

The Bench directs the Respondent to file a joint petition/application along with landowner on an affidavit for release of the development agreement so that refund of the nun money could be returned to the allottees.

Put up for orders on 20/09/21.

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/694/2019, CC/792/2019, CC/793/2019, CC/1028/2020, CC/1565/2020, CC/1566/2020,
CC/1567/2020, CC/1592/2020, CC/162/2021, CC/107/2021 & CC/365/2021

Atul Kumar Jha/Sanjay Kumar/Ranjan Kumar/Mritunjay Kumar/Anamika Kumari/
Prakash Kumar/Ashit Kumar Garg/Vikas Kumar Gupta/Sanjeev Jha/Rajeev Ranjan
/Ravi Ranjan Kumar.....Complainant

Vs

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

Project: Shivdhyan

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

26/08/2021

05/09/2021

HEARING THROUGH VIDEO CONFERENCING

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

The complainant Atul Kumar Jha submits that he deposited Rs 7 lakh in 2015 and wants refund with interest. He submits that if the full amount is not refunded then the practice of refund of 50% of the principal amount or Rs 5 lakhs whichever is less may be resumed by RERA.

The complainant Ranjan Kumar made payment of Rs 6 lakh in 2018 and wants refund with interest.

The complainants Anamika Kumari and Prakash Kumar made payment of Rs 2.5 lakh each in February -March 2018 and now wants refund with interest.

The complainant Ashit Kumar Garg made payment of Rs 3.30 lakh in February 2018 and wants refund with interest.

The complainant Sanjeev Kumar Jha made payment of Rs 3.35 lakh in March, 2018 and wants refund with interest.

The complainant Rajeev Ranjan made payment of Rs 2.38 lakh in April, 2018 and wants refund with interest.

The complainant Ravi Ranjan Kumar made payment of Rs 6.35 lakh against which Rs 1 lakh has been returned and wants refund of the remaining principal amount with interest.

Mr Alok Kumar, MD of the respondent company submits that Rs 72 lakh is expected from the land owner in Shivdhyan project. He further informed the Authority that the registered office of the respondent company is being changed from _Patliputra Colony to IOB Nagar, Khagaul

The Authority directed the MD of the respondent company to submit the details of assets and liability and file a joint petition/application along with landowner on an affidavit for release of the development agreement so that refund of the nun money could be returned to the allottees.

The Authority notes that a number of apartments have been sold in 2018 without registering the project and is clearly violative of the provision of Section 3 of the Real Estate (Regulation and Development) Act. The MD of the respondent company is directed to show cause as why action under section 59 of the Act should not be initiated against them.

Put up for order on 20/09/2021.

Nupur Banerjee
Member

R.B. Sinha
Member

Naveen Verma
Chairman