

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Full Bench of Mr. Afzal Amanullah, Chairman, Sri R.B. Sinha & Mr. S. K. Sinha Members.

Nos. CC/396/400/401/402/411/417/418/425/426/429/435/455/456/
457/458/477/503/213/216/289/293/310/175/302/275/231/378/111
/271/263/352/311/312/267/229/230/225/226/269/270/276/ 281/
284/ 287/ 292/ 306/307/ 323/363/502/354/373/520/523/526/531/
537 /545/559/563/575/576/112/ 532/639/ 646/649/650/652 /653/
655/659/ 660/ 662/663/ 664/665/666.668/670/675/676/ 679/680/
682/683/685/ 686/ 688/ 689 /690/ 691 /692 /693/ 694/695/ 697/
714/ 716/720/ 722/725/726/728/730/731/
732 & Ors. Complainant

vs.

M/s Agrani Homes Pvt. Ltd.

..... Respondent

PROCEEDING

24.09.2020: The proceedings were held through online video conferencing mode. Most of the complainants have appeared. Respondent M.D., Mr. Alok Kumar appears along with his Advocate Mr. Mohit Raj. The Complainants mentioned that the respondent is delaying payments of money on one pretext or the other and has not complied with any of the orders passed by this Bench on previous occasions.

The Respondent Mr. Alok Kumar was asked to explain the position and he took shelter under the ongoing pandemic which has affected everyone and has also affected his progress in arranging for money for payments. On being asked specifically about the money

he has received from Ruban Hospital of the Patliputra property, he mentioned that Rs.3.97 Crores were transferred to his account and some money was also transferred to the loan account of the Bank by Ruban Hospital. He mentioned that he had distributed approximately Rs.3.77 Crore to the complainants. On being asked about the Sampat Chak property he mentioned that money of more than Rs.3.00 Crore is due to him and is pending with the land owner Mrs. Kunti Devi who has been since expired. Now the heirs have to pay back the money. On being asked if his mother has taken over some properties, he mentioned that his mother is trying to complete two projects from her own money.

We find that over the many months that this proceeding is going on against the respondent, they have not come out with the truth and have always mislead this court. They have not complied with previous orders. As such we find it is very hard to believe the respondent Opposite Party Mr. Alok Kumar. Mr. Alok Kumar assures that he will give us the complete details about the transaction of the Patliputra property and also will give us the detailed plan of action through which he will be able to pay back the money of the complainants along with the interest. Mr. Alok Kumar said that he would

require at least seven working days time to submit the details and the detailed action plan.

After discussion and after going through the records of this case and taking into account the conduct of the respondent in not obeying the Court and also trying to mislead this court, we order that:-

- i) Ruban Hospital should be asked to submit details of the Patliputra property purchased from respondent Opposite Party, Mr. Alok Kumar and the amount of money they have paid to the Opposite Party up till now. It is made clear that the sale proceeds of the property will be used only for repaying the money to the complainants. This money cannot be given for repayment of loans or mortgage or for any other liability. The first charge on the money is of the consumers. The Patliputra property is apparently purchased through diversion of fund collected from consumers of Agrani Projects and as such the sale proceeds in toto will have to be given to the consumers.
- ii) The Sub-Registrar, Patna is directed not to register any property situated in Patliputra

Colony belonging to M/s Agrani Group of Companies or its Director, Mr. Alok Kumar or the other Directors of the Company until we issue a No Objection Certificate for the same.

- iii) The Respondent Opposite Party will give a list of the amount of money paid back to the complainants up till now since February 2019. The Respondent had committed in earlier hearings that they will refund the booking amount taken from customers along with interest from the sale proceeds of Patliputra Colony and Sampatchak properties.
- iv) The Respondent Opposite Party, Mr. Alok Kumar will make clear how his mother is developing the properties when she is not a Director in the firm.
- v) It is ordered that a financial audit of the respondent Company should immediately be undertaken to get a clear picture of their assets and liabilities. RERA administrative office shall immediately take necessary action on this.
- vi) Respondent Opposite party shall submit the detailed plan of action that he has promised

latest by 6th October 2020 and submit to this Court.

- vii) The respondent is again directed to furnish on affidavit the details of movable and immovable assets of each Director of Agrani Group of Company and other family members of Mr. Alok Kumar by 6.10.2020.
- viii) The next hearing of this matter shall be conducted online through Video conferencing mode on 7.10.2020 at 3.30 P.M.

Put up on 7.10.2020 at 3.30 P.M.

Sd/-
(S. K. Sinha)
Member

Sd/-
(R. B. Sinha)
Member

Sd/-
(Afzal Amanullah)
Chairman