

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

CC No. CC/396/2019, CC/302/2019, CC/435/2019, CC/526/2019, CC/639/2019, CC/659/2019, CC/675/2019, CC/679/2019, CC/714/2019, CC/841/2019, CC/855/2019, CC/373/2019, CC/231/2019, CC/532/2019, CC/860/2019, CC/523/2019, CC/363/2019, CC/276/2019, CC/287/2019, CC/400/2019, CC/401/2019, CC/402/2019, CC/693/2019, CC/809/2019, CC/852/2019, CC/859/2019, CC/690/2019, CC/726/2019, CC/750/2019, CC/836/2019, CC/229/2019, CC/230/2019, CC/267/2019, CC/458/2019, CC/653/2019, CC/370/2019, CC/861/2020, CC/175/2018, CC/225/2019, CC/226/2019, CC/269/2019, CC/275/2019, CC/686/2019, CC/708/2019, CC/725/2019, CC/426/2019, CC/808/2019, CC/646/2019, CC/702/2019, CC/111/2018, CC/112/2018, 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/821/2019, CC/823/2019, CC/824/2019, CC/827/2019, CC/828/2019, CC/838/2019, CC/847/2019, CC/213/2019, CC/263/2019, CC/306/2019, CC/307/2019, CC/312/2019, CC/323/2019, CC/411/2019, CC/418/2019, CC/477/2019, CC/680/2019, CC/682/2019, CC/697/2019, CC/846/2019, CC/856/2019, CC/281/2019, CC/563/2019, CC/429/2019, CC/694/2019, CC/792/2019, CC/793/2019, CC/292/2019, CC/668/2019, CC/862/2019, CC/531/2019, CC/652/2019, CC/732/2019, CC/425/2019, CC/655/2019, CC/575/2019, CC/576/2019, CC/354/2019, CC/455/2019, CC/456/2019, CC/457/2019, CC/520/2019, CC/665/2019, CC/716/2019, CC/559/2019, CC/832/2019, CC/271/2019, CC/284/2019, CC/378/2019, CC/650/2019, CC/676/2019, CC/722/2019, CC/660/2019, CC/711/2019, CC/740/2019, CC/840/2019, CC/700/2019, CC/701/2019, CC/857/2019, CC/854/2019, CC/829/2019, CC/310/2019, CC/289/2019, CC/683/2019, CC/720/2019, CC/817/2019, CC/837/2019, CC/865/2019, CC/879/2019, CC/712/2019, CC/735/2019, CC/842/2019, CC/843/2019, CC/685/2019, CC/987/2020. CC/1099/2020 & CC/1616/2020 Suman Kumari/Rajesh Kumar/Shubhawati Devi/Rekha Devi/Kishore Kumar Verma/Dharmendra Krishna/ Pankaj Kumar Sinha/ Gudiya Devi/Nidhi Srivastava/Premlata/Sarvesh Chandra Mishra/Dr Sujit Kumar Bharti/Binod Kumar Singh/Mukesh Kumar/Aman Abhishek/Meena Devi/Dilip Kumar Singh/manoj Kumar Rajak/Manish Kumar/Nitin Mukesh./Sunita Nath./Ashok Kumar/Sanjeev Kumar/Syed Anwar Hussain/Rama Shankar Singh/Pooja Rajesh Singh/Kedar Nath Chaudhary/ Abhinandan Kumar Sinha/Surjit Singh/Pawan Kr Mishra./Binod Kumar Singh/Kiran Singh/Amjad Ali/Seema Singh/Indira Sinha/Mahadev Yadav/Mahesh Chandra Sahay/Shivendra Kumar Singh/Ashwini Kumar/Kameshwar Pd Sinha/Malti Das/Sushila Devi/Shankar Jha/Kaushal Kishore Mishra/Subhash Chandra Srivastava/Ratan Prabha & Brajesh Kumar/Raj Prakash Prasad/Uttam Kumar Mishra/Ravi Ranjan/Shiv Kumar Srivastava/Aman Kumar/Manoj Kumar/Gopal Kumar Sinha/Manoj Kumar Singh/Binay Kumar/Saket Kumar Singh/Md Gheyasul Haq/Manoj Kumar/Ajeet Kumar/Saroj Kumar Chaudhary/Abdul Qadir/Md Shamshad Alam/Priyanka Bharti/Rajendra Sah/Babita Srivastava/Braj Kishore/Shyam Kishore/Nawal Kishore Prasad/Durre Shahwar Begum/Ramanuj Kumar/Bijay Kumar Gaurav/ Manoj Kumar Singh /Rita Devi/Rashmi Kumar/Shivdani Singh/ Mihir Jha/ Dhananjay Kumar/Madhubala/Kumar Shiv Ranjan/Bina Seth/ Sabita Kumari/Basant Kumar Jha/Suresh Pd Srivastava/Ankita Kumari/Atul Kumar Jha/

Sanjay Kumar/Ranjay Kumar/Om Prakash Narayan Singh/Rachna/Anamika Srivastava/Baby Ritika/Sanjay Kumar/Kishori Prasad/Amrendra Kumar Gaurab/Manoj Kumar/Binod Kumar/Dinesh Prasad Gupta/Anju/Sita Devi/Archana Singh/RashmiJha/Satyendra Kumar Yadav/Ram PraweshPaswan/Amit Kumar/RinaKumari/Suma Kumar Dubey/Ashutosh Kumar/Prajwal Kumar/Dinesh Kumar Sinha/Manoj Kumar/Kumar Satish Singh/SushmaPratap/Chandra Prabha/Sushil Kumar Rai/Md Faisal Nadeem/Shalini Thakur/Nirmala Thakur/Ramesh Chandra Sinha Ashish/KumariPrerna/Richa Sinha/Pramod Kumar Dubey/Barun Kumar Jha/Biresh Kumar/SahebLal Singh/AsmitaKumari/Ramesh Kumar/ Mamta Kumari/ KrishendraPratap Singh/Rinki Gupta/PiyushRanjan /Lal Bahadur Singh/RoshanAra/DharmasheelaJha/Akhileshwar Kumar Singh/Rajeev Kumar Sinha/SandhyaKumari.....Complainants

Vs

M/sAgrani Group of Companies.....Respondent

Present : For Complainants : MrArun Kumar Singh, Adv
MrBipinBihari, Adv
Mr BK Sinha, Adv
MrPueet Kumar, Adv
Mr Kishore Kunal, Adv
MrPuneetSidhartha, Adv
For Respondent : Mr. Alok Kumar, M.D.

HEARING THROUGH VIDEO CONFERENCING

05/07/2021

PROCEEDING

At the outset, the Bench informed that Mr. Alok Kumar, MD of the respondent company, through an email yesterday night sought a short adjournment on the ground that his lawyer would not be available today. The Bench however felt that as the respondent counsel didn't inform earlier and large number of the complainants are present, it would not be prudent to adjourn the hearing..

The Bench thereafter asked Mr. Alok Kumar to submit the progress on the realization of funds under the Plan 1 through dissolution of the development agreements with the landowners in those projects which have been abandoned/cancelled..

The MD stated that he was in touch with many landowners but nothing has been finalized as yet. He stated that in AgraniRudra project, the land owner has already agreed to payRs. 12.50 lakhbut his dues are Rs 30 lakhs. The discussion was going on.

The MD committed that there are several land owners with whom negotiations are going on. Whatever money will be arranged, the landownerswill be directed to submit the same through DD before RERA.The Authority reminded the MD that the list of landowners project wise is being

demanded from him for the last one month which should be submitted today itself otherwise penalty of Rs 5000/- per day will be imposed upon him.

The complainant Premlata submitted that she booked a flat and paid Rs. 20 lakh and now she wants refund with interest.

The complainant Nidhi Srivastava submitted that she made one-time payment of Rs. 16 lakh in 2018 and now wants refund with interest.

Mr Arun Kumar, learned counsel of the complainant Dharmendra Krishna submitted that before the Adjudicating Officer, several cases have been filed and in 145 cases judgement has already been passed for compensation. The builder has collected Rs. 10.90 lakh i.e. 90-95% of the amount from his client. Now they want refund.

The complainant Sarvesh Chandra Mishra submitted that he made one-time payment of Rs. 22.5 lakh in 2018 and now wants refund with interest.

The complainant Dr. Sujit Kumar Bharti submitted that he got refund of the principal amount and still waiting for the interest to which the Authority reminded him that around 400 complainants have got full or part refund of the principal amount.

Mr BK Sinha, learned counsel of the complainant Aman Abhishek submitted that he had paid Rs. 27.15 lakh and got refund of Rs. 10 lakh. The builder is still violating the order of the Authority dated 04/06/2021 and requested that the remaining Rs. 17.15 lakh should be refunded to him.

The Authority observed that in A to E projects, RERA has no information with regard to project in Block B.

Mr Puneet Kumar, learned counsel of the complainant Mina Devi submitted that out of Rs 6,63,000/- principal amount, she has got refund of Rs 70,000/- only, whereas Mr. Alok Kumar submitted that Rs. 1,50,000/- has been refunded.

The complainant Manoj Kumar Rajak submitted that he made payment of Rs. 9.40 lakh in 2018 and got refund of Rs. 5 lakh till today and prays for refund of the remaining Rs. 4.40 lakh with interest.

The complainant Manish Kumar submitted that he paid Rs. 15 lakh and has got refund of Rs. 7.5 lakh and the remaining Rs. 8.5 lakh is still to be refunded. The MD advised him to be adjusted his case against land but the complainant wanted refund.

The complainant Nitin Mukesh submitted that he booked a flat and paid Rs 15.50 lakh but got refund of Rs 7.50 lakh only. He requested for refund of the remaining Rs 7.50 lakh. He further submitted the case of Sunita Nath and Ashok Kumar wherein both the complainant had given Rs 15.50 lakh, while the former got refund of Rs 2.13 lakh, and thereafter, no amount has been

refunded. The MD assured him that the money is being arranged and will be refunded soon.

The complainant Syed Anwar Hussain stated that he has recently recovered from COVID-19 and wanted refund of his deposit money i.e. Rs 15 lakh.

The complainant Abhinandan Kumar Singh submitted that in 2014 he paid Rs. 16,49,440/- but has not been allotted any flat in spite of repeated assurances from Mr Alok Kumar, MD of the respondent company. He requested for refund.

The Authority observed that in IOB Nagar ACF flat is available, 3 flats are available in C Block. Total 14 flats are available and further observed that Block M & N are not constructed and plan is also not approved. The Authority put a question to the MD that when no plan is approved then in that case, why he is seeking registration for M to Q blocks and suggested to him to withdraw the application and refund money to the buyers.

The complainant Pawan Kumar Mishra submitted that between November 16 and March 17 he deposited Rs 15.51 lakh and wanted refund of the principal amount.

The complainant Binod Kumar Singh stated that he got refund of the principal amount and wants compensation with interest.

The complainant Seema Singh stated that she paid Rs 4 lakh out of consideration amount of Rs 12 lakh and now wants refund.

The complainant Shivendra Kumar Singh stated that against his deposit of Rs 16.50 lakh in IOB Nagar Block S, he has received full refund but interest is due. As regards his deposit of Rs 1.51 lakh no refund has yet been made.

The complainant Ashwin Kumar stated that he got refund of the principal amount and now wants compensation with interest.

The complainant Malti Das stated that out of Rs 16 lakh she got refund of Rs 5 lakh and requests for refund of the remaining Rs 11 lakh with interest.

The complainant Sushila Devi stated that she paid Rs 14 lakh in 2014 and got refund of Rs 13 lakh. Only Rs 1 lakh is outstanding which she wants to be refunded.

The complainant Shankar Jha stated that in 2016 he had paid Rs 16.81 lakh and got refund of Rs 14 lakh. Rs 2.81 lakh is still due which he wants to be refunded with interest and compensation.

The complainant Kaushal Kishor Mishra submitted that in 2015 he made one-time payment of Rs 15 lakh, which he wants to be refunded with interest.

The complainant Subhash Chandra Srivastava stated that out of Rs 15.66 lakh, Rs 4.16 lakh is still due with the respondent and submitted that he is a kidney patient and undergoing dialysis in Max Hospital and visits Mumbai every three months to which MrAlok Kumar assured that his principal amount will be refunded soon.

The complainant BrajeshKumari stated that he made onetime payment of Rs 16.39 lakh and requested that he be adjusted against any other flat or if it is not possible, the principal amount should be refunded. MrAlok Kumar submitted that if he is willing to take any other flat at market rate, then he has to deposit the rest money after calculating the principal amount plus the interest.

The complainant Raj Prakash Prasad submitted that he has deposited Rs 4.27 lakh and has got refund of Rs 3 lakh. Still Rs 1.27 lakh is due which should be refunded.

The complainant Aman Kumar submitted that in 2014 he has deposited Rs 5.28 lakh and now wants refund with interest.

The complainant Manoj Kumar stated that he has paid Rs 7.03 lakh and wants refund.

Mr Kishore Kunal, learned counsel of the complainants Manoj Kumar Singh, Vinay Kumar, Saket Kumar Singh and Md Gheyasul Haque submitted that the former had paid Rs 14.50 lakh and others have paid almost 95% of the consideration money and in the agreement, it was mentioned that if flat is not handed over on time, then in that case, 18% interest will be paid. Since the flat has not been allotted, he wants refund with 18% interest.

The complainant Ajit Kumar stated that he has paid Rs 14.50 lakh which be refunded with interest.

The complainant Sanjay Kumar Chaudhary submitted that in 2017 he paid Rs 5.78 lakh and now wants refund.

The complainant Abdul Qadir stated that he paid Rs 1.5 lakh which he wants refund.

The complainant ShamshadAlam stated that he paid Rs 2 lakh which should be refunded.

The complainant Babita Srivastava stated that she had paid Rs 7.38 lakh in 2016 which should be refunded with interest.

MrBipin Kumar, learned counsel appearing on behalf of the complainants Braj Kishore and Shyam Kishore submitted that both have paid Rs one lakh each which should be refunded with interest.

The complainant Nawal Kishore Prasad stated that he paid Rs 7.75 lakh and got refund but Rs 50,000/- is still due with the respondent. He wants refund with interest.

The complainant Rita Devi stated that she paid Rs 8.24 lakh in 2012 and got 50% refund. She wants refund of the remaining 50% of principal amount plus interest and compensation for delay of 9 years.

The complainant RashmiKumari stated that she paid Rs 8.24 lakh in September, 2013 and got refund but Rs 3.09 lakh is still due which must be refunded with interest.

Mr Kishore Kunal, learned counsel of the complainant Shiodani Singh submitted that 90% of the consideration money has been paid and wants refund with interest or adjustment in any other project.

The complainant MihirJha stated that he paid Rs 8 lakh and got refund but there is nine years of delay due to which he was mentally harassed and no work has been done by the respondent.

It was observed by the Authority that this project was initiated in 2016 in Sampatchak but in the Master Plan this area was declared as green belt where no construction can be done. The respondent had signed agreement with one landlady and got Rs one crore from that lady but invested the money in IOB Nagar project. Around Rs 3 crore was to be collected but due to wrangling between the respondent company and the landlady, this said project got struck.

Mr.Alok Kumar, MD of the respondent company stated that they are negotiating about it and at the end of this month and money will be made available.

The Authority finds that this is a fit case to be included for investigation by the SIT and Economic Offence Unit.

The complainant Basant Kumar Jha stated that this project Sri Krishna Kunjis in Muzaffarpur in which he deposited Rs 8 lakh and got refund of Rs 4 lakh. He wants refund of the remaining Rs 4 lakh.

Mr Alok Kumar, MD stated that in this matter, case filed by the landlord was earlier heard by the Adjudicating Officer. The landlord wants compensation for the delay in plan approval.

The Authority observed that in the list provided by the respondent company only two projects were in Muzaffarpur but this project is not mentioned and no registration with RERA has been applied.

It was also observed that this is an ongoing project and under Section 3 of the RERA Act application should be filed for registration otherwise penalty will be imposed.

The complainant Atul Kumar Jha stated that he paid Rs 7 lakh in 2018 but no work has been initiated by the respondent company. Hence he wants refund with interest.

Mr Alok Kumar, MD submitted that this project has been withdrawn.

The complainant Ranjay Kumar stated that he paid Rs 6 lakh in 2018 and now wants refund with interest.

The complainant Sanjay Kumar stated that he paid Rs 6.5 lakh in 2018 and now wants refund with interest.

The complainant Om Prakash Narayan Singh stated that he paid Rs 9.62 lakh in 2019 for the project Crystal Avenue and got refund of Rs 6.85 lakh only and now wants refund with interest.

The Authority noticed that this project was not registered with RERA to which MrAlok Kumar, MD prayed for time to give details of the project.

The complainant Anamika Singh stated that she paid Rs 5 lakh in 2018 for the project Daffodils City and got refund of Rs one lakh only in 2019. She wants refund with interest.

MrAlokKumar submitted that they want to construct and complete this project.

The complainant Baby Ritika stated that she wants refund with interest as mentioned in the agreement or be adjusted either in PrakritiVihar/SBI Nagar.

Mr Puneet Sidhartha, learned counsel appearing on behalf of the complainants Manoj Kumar and Vinod Kumar submitted that both the complainants have paid Rs 14 each in Sunshine Enclave and while the former has been refunded Rs 1.25 lakh, the later has been refunded Rs 7 lakh only. He requested that provisions of Section 63 of the RERA Act be imposed on the respondent for regular violation so that message should go that RERA is tough on this issue. He further submitted that on 15/03/2021 hearing the builder appeared with Rs one crorecheque and assured that they will file reply on our application dated 12/03/2021 but not yet replied.

The Authority noticed that there are several cases wherein Section 59 (1) and (2) may be imposed and enough leverage till date has been given but onwards action under Section 3, 7 and 63 may be used against the respondent company.

The Authority further finds that several projects have been abandoned and withdrawn by the builder and directed the MD of the respondent company to register all those projects which they are interest to complete and in all such matters, RERA will examine whether their plan(s) has expired or not.

The Authority also found that several lands are registered in the names of other Directors of the respondent company like SBI Nagar, PrakritiVihar which they are trying to keep them behind. The MD was advised either to become approver to help RERA to bring all of them to book. Mr Alok Kumar assured that the other Director Rana Ranvir Singh will be present personally on the next date of hearing.

The Authority made it clear to the MD of the respondent company that in all those projects where work is in progress, RERA will definitely assist but where project(s) has not been taken up, money of the depositors must be refunded.

The complainant Dinesh Kumar Gupta stated that he paid Rs 17.52 lakh in 2013 in Impulse Enclave and got refund of Rs 5 lakh only. He wants refund of the remaining Rs 12.52 lakh with interest.

Mr Kishore Kunal, learned counsel of the complainants Anju, Sita Devi, Archana Singh and RashmiJha submitted that the complainant Anju paid Rs 14.45 lakh out of consideration money Rs 17.52 lakh but neither possession of the flat has been given nor refund has been made. He further submitted that the other three complainants Sita Devi, Archana Singh and RashmiJha have deposited Rs 14 lakh each out of consideration money Rs 17 lakh but have got neither flat nor refund.

Mr Alok Kumar, MD submitted that map of the project has been approved and registration with RERA done and they got approval in 2018. He further submitted that 483 flats have been constructed and 504 flats are pending.

The Authority pointed out that out of 24 projects, the respondent has withdrawn 8 projects and prayed for time in remaining 16 cases which was given.

The complainant Satyendra Kumar Yadav stated that he paid Rs 14 lakh and now wants refund.

The complainant Ram PraweshPaswan stated that he paid Rs 14.43 lakh out of consideration money of Rs 17.52 lakh in 2013 but now wants refund.

The complainant Amit Kumar stated that he paid Rs 16 lakh for a flat in IOC Nagar and got refund of Rs 11 lakh and now he wants refund of the remaining 5 lakh principal amount.

The complainant ReenaKumari stated that she paid Rs 15 lakh in IOC Nagar and now wants refund with interest.

MrAlok Kumar, MD of the respondent company submitted that there are total 160 flats for which map has been approved by PMA and they have also applied for registration with RERA.

The complainant Suman Kumar Dubey stated that she made onetime payment of Rs 20 lakh in 2016 in Maurya Palace project. She now prays for refund, interest and compensation, though the project is registered but no work has been undertaken and the MD is misleading all concerned. He may be asked to submit status report of the project.

The Authority noted that the landlady wants cancellation of the development agreement and hence, registration of this project may be revoked.

The complainant MrAshutosh Kumar stated that in 2014 he booked two flats in Maurya Palace project and paid Rs 33 lakh. Though the project was registered in 2019 but no work in this project has been started. He has got refund of Rs 12 lakh till date and requested for rest amount of refund.

The complainant Mr Dinesh Kumar Sinha stated that he paid Rs 22 lakh in 2017 in Agrani Sapphire Project but the respondent has withdrawn this project and therefore he wants refund.

MrAlok Kumar, MD of the respondent company submitted that he will file status report about this project within two days.

The complainant Manoj Kumar stated that he paid Rs 1.50 lakh and now wants refund.

The complainant SushmaPratap stated that she paid Rs 15 lakh in 2013 in Agrani Residency Project and now wants refund since her child is to undergo open heart surgery to which MrAlok Kumar categorically assured that the money will be refunded soon.

The complainant Shalini Thakur while representing herself as also Nirmala Thakur stated that she booked two flats in AgraniKalawati Regency and made onetime payment of Rs 14.50 lakh and Rs 19 lakh respectively but since no work has been undertaken by the respondent, she now wants refund.

MrAlok Kumar, MD accepted that the work in this project situated at Fatuwah has been stopped.

The complainant Faisal Nadeem stated that he paid Rs 13 lakh in 2017 in the project Agrani Residency. He now wants refund of the principal amount.

The complainant Ramesh Chandra Sinha Ashish stated that he paid Rs 16.50 lakh in 2016-17 but nothing has been done by the bulder. He now wants refund with interest and compensation.

The complainant SahebLal Singh stated that he paid Rs 16 lakh in Patliputra Enclave but now wants refund with interest.

The complainant KrishendraPratap Singh stated that he paid Rs 11.50 lakh and now wants refund.

The complainant Rinki Gupta stated that she booked the flat in 2015 in Agrani Angel Project and has got refund of 20% only of her deposit one year ago. Now she wants refund of the remaining principal amount.

MrAlok Kumar, MD submitted that the project Angel Phase I is not registered with RERA and that Angel Phase II has been withdrawn.

The complainant Lal Bahadur Singh stated that he paid around Rs 30 lakh in the project PrakritiVihar but since the project could not take off, now he wants the money be refunded.

The Authority noted that many land is registered in the name of RanaRanvir Singh, one of the Directors of the respondent company and till date, the Authority has not taken any action against him and ordered that notice be issued to him to give details of all the assets in his name.

The complainant MsRoshanAra stated that she paid Rs 50,000 in 2014 in the project PrakritiVihar as advance money and now wants refund.

The complainant Dhananjay Kumar stated that he paid Rs 8.27 lakh in 2013 in Sampatchak Project but now wants refund.

The complainant Manoj Kumar stated that he paid Rs 3.75 lakh in SurajSuman Project and now wants refund.

MrAlok Kumar submitted that they had applied for registration of the project with RERA. They have cancelled the development agreement. Now HeeraPanna Developers has taken over the project and he has claimed Rs One crore from them.

The complainant MrSanjeev Kumar submitted that he paid Rs 10 lakh in 2018 in IOB Nagar M block but now wants refund.

The complainant Rekha Devi stated that she paid Rs 14 lakh in 2018 in PG town project but now wants refund

Order

After hearing all shades of opinion from the Complainants and Respondent's request for a short time adjournment as his senior counsel was not available, the Bench directed the Respondent company to fulfill their long standing commitment of refunding the deposits of all complainants along with due interest without any further delay. The Bench recalled that the Respondent counsel has been committing since mid-February 2021 to make significant development in refund process but no refund has been made in last 4 months.

The Bench noted that the respondent company has not yet realized the committed Rs 13.75 crore from the Plan 1 submitted by them in March, 2021. The Bench directed the Respondent MD to submit the contact address and number of landowners of all 17 projects, which he had agreed to cancel of the development agreement under Plan 1, within 24 hours of the completion of hearing. The Bench expressed its displeasure over submission of an unsigned and undated letter purportedly sent by Mr Alok Kumar in a late night email communication in which the mobile numbers of landowners of 7/8 projects were provided.

The Bench also directed the respondent company to give a notice for the cancellation of the agreement of sale with Ruben Patliputra Hospital Pvt Ltd for their Patliputra property as they have not deposited the balance amount of

Rs 1,88,54,098 to the Authority without any further delay. The Bench reiterates that the first charge on the sale proceeds of the A-15, Patliputra Colony was that of allottees/consumers as the said property was purchased by Mr Alok Kumar after taking a loan of Rs 6 Crores from M/s Agrani Home Pvt Ltd.

The Full Bench also reiterated its earlier direction given in terms of powers conferred under Sec 35(1) of the RERA Act read with Rule 24 (1) (a) of the Bihar RERA Rules, to the promoter – the respondent company to submit the following documents:

- i) Bank statements showing the entire trail of transactions from the date of receipt of money from allottees since 2010 or date of incorporation of the respondent company, whichever is earlier along with their linkage with the audited annual accounts of the companies;
- ii) Affidavits showing details of all assets, physical or financial, acquired by the Directors (Past/Present) of the company and their close relatives, either in individual capacity or as partners or Directors in various companies, year wise starting from 2010;
- iii) Income tax returns of all individuals mentioned in ii) above, year wise starting from 2010;
- iv) Details of salary drawn by the Directors and officers and the source of such operating surplus, year wise;
- v) Agenda papers and minutes of all meetings of the board of directors of all companies in which large transactions of Rs 5.00 lakh or more with Directors/related parties were either reported or approved;
- vi) Copies of financial statements for the FY 2018-19 & 2019-2020 filed before UP RERA and to Registrar of Companies.

and expressed its displeasure over non-submission of the relevant information within stipulated time period. The Bench once again directs the respondent company to submit the entire information/documents within a week failing which a penalty of Rs one lakh will be levied for every day delay on the respondent company and a penalty of Rs 50000 per day on each directors (Past/Present) for everyday delay.

The Bench also directs all the directors (Past/Present) to remain personally present on each date of hearing.

E Block, IOB Nagar

The complainant Akhileshwar Kumar Singh stated that he paid the total amount of Rs 24.74 lakh in 2013 in IOB Nagar E Block project which was to be handed over in December, 2016. However, the developer allotted the flat in November, 2017 which was under landlord's share and under pressure from the landlord, the said flat was vacated and he is now living on rent. He requested for allotment of flat and compensation for rent.

He further submitted that he and other allottees are ready to give money through RERA for completion of the project and have formed their association. They have talked to another agency M/s Sarweshwara

RealtorsPvt Ltd who is ready to complete the project through the association of allottees.

Mr Gaurav Kumar, Secretary of the Association submitted that there are 56 total number of flats in E Block out of which 45 belong to the promoter's share and 11 flats belong to landowner's share. He stated that in the meeting held in October, 2020 they have formed the allottees' association and talks were held with Mrs Ruby Singh, MD of M/s Sarveshwara Realtors Pvt Ltd to complete the E Block. M/s Sarveswara Realtors have done the work in D Block and completed have D Block very expeditiously. Hence the Association of allottees of E Block has also decided to get the work done through the Sarveswara Realtors. As a matter of fact, Sarveswara Realtors have already executed a number of items of Civil work valuing about Rs35-40 lakhs in E Block of IOB Nagar.

Mrs Ruby Singh MD of M/s Sarveswara Realtors also appeared and submitted that they are ready to undertake the work and receive money through RERA via Mr Alok Kumar of M/s Agrani Homes Pvt Ltd.

The Authority made it clear that RERA will hand over cheque collected/ deposited through the promoter Agrani Homes Pvt Ltd and will not entertain M/s Sarveshwara Realtors Pvt Ltd for payment regarding project E Block.

ORDER

After hearing both the parties and going through the relevant records, the Full Bench working as Authority under the RERA Act gives the following directions :

1. The remaining works in E-Block of IOB Nagar as per the agreement between the promoter and allottees would be completed within a period of three months of the date of issue of the order. In the event of failure of the promoter to comply with the direction of the Authority, a penalty of Rs.5,000.00 (Rupees Five Thousand only) will be imposed for every day of delay after this period.
2. Every allottee will make necessary payment up to 90% of the Project cost as per Section 19(6) of the RERA Act.
3. Considering the trust-deficit between the allottees and the promoters, the Authority allows the allottees in case they desire to send their Demand Draft/ Bankers cheque in the name of Promoter in RERA office. Mr. Rajesh Thadani, Officer on Special Duty will keep those Demand Drafts/ Bankers cheques, in safe custody.
5. The promoter will prepare an assessment of the work till date, which will be verified by a team consisting of Civil Engineer, Architect and Chartered Accountant and submit the same to the Authority and to the association of allottees. After fresh construction work, the promoter will get it verified by an

independent team consisting of Civil Engineer, Architect and Chartered Accountant, which will submit a report to OSD, RERA, who on perusal of the report would release Demand Draft/ Bankers cheque sent by the allottees to the promoter in proportion to the work done as certified by them. The promoter will place it on the website and web page of the RERA site.

6. The Authority will have a lien over all unsold flats, if any, in the E Block, IOB Nagar until further orders.

Nupur Banerjee
Member

R.B. Sinha
Member

Naveen Verma
Chairman
