

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

**Complaint Case Nos. CC168/169/170/171/172/187/203/209/264
279/293/372/723/807/812/863/942/967/987/1114/1115/1117/1
130/1150/1153/1160/1179/1180/1192/1230/1252/1424 of 2019**

Sri Ajay Krishna & Ors

.... Complainants

vs.

M/s Agrani Homes Pvt. Ltd.

.... Respondent

04.11.2020

PROCEEDING

The proceedings were held through online video conferencing mode. Most of the complainants have joined online. The Respondent Opposite Party is represented by Mr. Alok Kumar, Director of the Company.

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

At the Outset, the Respondent Mr. Alok Kumar stated that he had submitted a petition to the Authority in pursuance to the directions issued by the Authority on last day of hearing, stating that the respondent had completed the construction work of the D Block by installing the lift, transformer and Generator in the Block. He claimed that the allottees have now been requesting for registration of conveyance deeds of their flats. He requested the Authority to accord extension to the

Project A to F Blocks of IOB Nagar so that he could get the flats registered in favour of allottees. He claimed that he has already submitted the application for extension of the project to the Authority. He also stated that he has submitted an agreement executed by him along with allottees of E Block and construction work has started at full speed in E Block. He apprised the Bench that he intended to plan and expedite the construction work in other Blocks also. He requested for grant of early extension of his other projects.

A complainant belonging to D Block contested the claim of the OP that the lift has been commissioned in D Block. He claimed that the work of installation of lift was still going on and civil works related to lift on each floor was still required to be done. Mr Alok Kumar MD stated that that testing of the lift was going on and it may take up to another month for commissioning of the lift. Further the transformer and other accessories have already arrived at the site and it was for the concerned Government Authority to install and commission it, though another transformer was already providing electricity to a few allottees already living there.

The Authority directed the Respondent Company to obtain the completion and occupancy certificate of the D Block before the registration of the conveyance deeds of the flats. The Authority informed that on verification, it has been found that there were 8 projects of the Respondent Company registered with the Authority, out of which extension of one project has been given. Five other projects for which extension has been requested by the Respondent require concurrence from majority (> 50 %) of allottees.

As regards 24 projects applied for registration with the Authority, the promoter has not submitted sanctioned plan from the competent authority for 22 projects and as such these projects could not be registered.

As regards J Block, Mr N K Lal a complainant, stated that 32 out of 42 allottees of J Block have formed a society of allottees and now henceforth this society would deal with the issues related to the project with the promoter. He further stated that Builder has not done any work in nearly a month since extension of the J Block accorded on 9th October. It was only on 2nd November 2020 that the promoter has brought a contractor with few labourers to work in one or two flats (Flat no 501 & 502). He apprehended that the project may not be completed within the extended period also. He claimed that the promoter may be directed to pay Rs 5000 per month to each allottee as compensation till completion of the J Block Project. Mr Rupak Kumar, Advocate stated that the promoter was intentionally delaying the project and needs to be penalized. He cited the obligations of the promoters under sections 11 (i) (e) and 19 of the Real Estate (Regulation and Development) Act 2016 to put forward his views that the promoter was not fulfilling his obligations under the Act. Mr Karali Patra, a complainant of J Block requested for detailed drawings, sanctioned plan, lay out plan etc of the Project so as to verify the quality of the work being done. The Bench directed the promoter to provide them to each complainant.

As regards Agrani Ashoka Project, Mr Dineshwar a complainant who is a BSF official working in the state of Chattisgarh stated that the promoter has not done any work since last hearing. He stated that they have pooled together funds to construct boundary walls, transformer etc, for which the promoter had wrongly claimed the credit in last hearing. He however admitted that the promoter has issued money-receipts for the same to them. He claimed that nothing has been done by the promoter in last one month except getting 50 bags of cement to the site. The promoter has not done any construction work since 2017. A lot of work viz floor tiles work, electrical work, boundary work, plumbing work etc are still required to be done. He requested for early possession of the flat and compensation for the inordinate delay. Another complainant claimed that though he has made full payment five years back, there was no progress in his flat. The promoter was only interested in completing those flats where from they are likely to receive funds. The Promoter committed that the construction work would start in the project Agrani Ashoka from 12th November 2020 and the project will be completed within extended period. He was trying to get the services of a big contractor having the capacity for doing all types of work, to complete the project.

Another complainant from Block E requested for early possession of his flat as he had come from Nasik to take possession on the assurance of Mr Alok Kumar. He was still waiting for the flat since 2017.

The Bench has taken seriously lack of progress in the construction work in J Block and Agrani Ashoka Projects in October 2020 inspite of

according extension to these projects and warns the promoter that heavy cost will be levied on the respondent company from next month, if significant progress is not observed in these projects in this month. Mr Alok Kumar has committed that he has already arranged the financial resources for timely completion of these projects.

The Bench orders that

1. The Promoter shall submit an action plan for completion of work in respect of each project/Blocks (J Block of IOB Nagar, Agrani Ashoka) inter-alia indicating all pending items of civil & electrical work, stage-wise milestones to be achieved monthly, water, sewerage & electrical connections with confirmation of financial resources with the respondent company.
2. The promoter shall apply for completion/occupancy certificate for D Block of the IOB nagar before the competent Authority within a week and submit the same to the Authority as soon they receive it. Projects where major construction work has been completed, will only be monitored by full bench of the Authority.
3. Any other projects, where the work has not commenced, will not be allowed to be taken up by the promoter afresh until completion of the all ongoing projects.
4. Mr Alok Kumar will circulate the address of new office of Agrani group of companies with contact numbers amongst all allottees/customers/debtors/creditors through advertisement in a prominent english and

hindi newspaper published from Patna and through emails within seven days of issue of this order and will ensure the presence of a director at the designated office on each working day. Shri Alok Kumar, MD will also attend the office on atleast two days every week to meet the customers in person to convey the plan of the company to complete the projects or to refund the deposits of the allottees within a time-bound period.

5. Mr Alok Kumar will submit a monthly progress report for the month of November for each project by 3rd December 2020 positively along with videographic/photographic evidence of the work completed/done during the month. It is reiterated that these projects shall be completed by the promoter by arranging their own funds, in view of inordinate delay in completion of the project and final settlement with allottees would done at the time of handing over the possession of the flats.
6. All other complaint cases pertaining to projects where work has not yet started like K & I Block, suraj suman, sampatchak etc, may be clubbed with Mrs Suman Kumari & Others vs M/s Agrani Homes Pvt Ltd regarding refund of deposits along with interest cases.
7. This Bench will hear all complaint cases pertaining to D and J Blocks and Agrani Ashoka Projects together only. The Complaint cases in respect of other projects viz Agrani Milky etc where significant

construction has already been done, will be clubbed together and heard separately by the full Bench.

Put up on 9.12.2020 at 3.30 P.M.

Sd/-
(S. K. Sinha)
Member

Sd/-
(R. B. Sinha)
Member

Sd/-
(Afzal Amanullah)
Chairman