

REAL ESTATE REGULATORY AUTHORITY, Bihar

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mrs. Nupur Banerjee,
Member & Mr. S.D. Jha, Member**

**RERA/CC/396/400/401/402/411/417/418/425/426/429/435/455/456/458/477/503/21
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695/697/714/716/720/722/725/726/728/730/731/732**

Suman Kumari and othersComplainant

Vs

M/s Agrani Homes Pvt LtdRespondent

Project – Suraj Suman and others

ORDER

02-08-2023

The Authority observes that a number of allottees of **M/s Agrani Homes Pvt. Ltd.** are approaching the Authority regarding grant for permission to execute Deed of Conveyance stating that the sale deed is not getting registered due to blanket ban on execution of all deeds of conveyance by the promoter imposed vide proceeding dated 16.10.2020. These allottees include those who have not filed any complaint case in Bihar RERA. Such matters are being dealt on files but considering the inconvenience being caused, the matter is listed today to consider such grievances.

Perused the proceeding dated 16.10.2020 as well as petitions/representations of the allottees. The Authority observes that the following directions were passed vide proceeding dated 16.10.2020: -

“(7) In view of significant liabilities of the directors of Agrani group of companies towards the complainants, all moveable and immovable assets (land, building, flats/apartments/bank accounts, Fixed Deposits, jewellery etc) of Alok Kumar and other directors and their dependent family members are brought under the lien and control of the Authority. They will not be entitled to sell their properties, without obtaining a No Objection Certificate (NOC) from the Authority.

(8) Mr Alok Kumar, Mr Padum Singh and Mrs Vijaya Raj Laxmi shall not sell any of their property without getting a No objection Certificate (NOC) from the Authority. IG Registration may also be requested that all DSRs/Sub DSRs may be directed to NOT register any sale of properties by any one of them. Authority may therefore inform IG Registration accordingly.

(9) Other directors of the Agrani Group of Companies Mr Rana Ranvir Singh, Ms Alka Singh and Mr Keshav Shankar are also prohibited from selling any of their properties and IG Registration may be advised to direct all DSRs/Sub DSRs accordingly.

(10) The conduct of Mr Alok Kumar of selling land/flat to close relatives/functionaries(plot of land of 34.375 decimal sold to mother - Mrs Pratibha Singh by Mr Alok Kumar on 28th November 2019 vide Deed No 14043; a flat at Jaganpura, Phulwarisharif sold to Mr Keshav Shankar, another Director by Mr Alok Kumar on 5th March 2020 vide Deed No 4339), after commencement of hearing by the Full Bench of the Authority in October 2019 is not acceptable and entire proceeds of the transactions should be deposited with the Authority forthwith for refund to the Complainants.

(11) Mr Alok Kumar and other directors of the Agrani Group of Companies are directed to bring back back all loans/advances (Mr Alok Kumar- Rs 7 Crores, Rs 2.60 crores to Agrani Pharmaceutical Ltd, Rs 2.60 crores to Indus Ventures, Rs 15 lakhs to Mr Rana Ranvir Singh etc) given to other sister/associates/related parties within 15 days. (12) Branch Managers of Indian Overseas Bank, KankarBagh Branch (H-23, Doctors Colony) and Anisabad Branch (Balamichak, Magadh Plaza) to be present on the next date of hearing with details of transactions with Agrani group of companies, their associate/sister concerns including partnership firms like Indus Ventures etc;.”

The Authority notes that final orders the various complaint cases, that were heard together in batch case , as mentioned in the proceeding dated 16-10-2019 has been pronounced. In many cases, matters regarding execution of these final orders have been filed, and non-compliance of such orders are being heard accordingly in execution proceedings. In some cases action have already been taken for recovery of the amount due as provided in Section 40(1) of the RERA Act, 2016 read with Rule 25 of Bihar RERA Rules, 2017.

In view of the difficulties being faced by allottees of M/s Agrani Homes Pvt. Ltd. in getting the deed of conveyance executed and considering the fact that final orders have been pronounced in these

complaint cases and action for enforcing compliance of such orders has also been taken as prescribed in the Act, the Authority is of the opinion that there is no merit in continuing with the blanket ban on registration by the respondent company . However, the ban would continue to be in force in respect of personal properties of any of the Directors and their family members and NOC from the Authority would be necessary before such deeds are executed.

The Authority, therefore, directs as follows:

1. The allottees of M/s Agrani Homes Pvt. Ltd. relating to any project are at liberty to execute their sale deed in accordance with law. Further, the promoter is at liberty to present the Deed for execution before the concerned registration office after fulfilling all formalities.

2. NOC from the Authority would continue to be necessary before executing any deed in respect of transfer of personal property of any of the Directors and their family members.

The proceeding dated 16-10-2020 is modified to the extent as indicated above. Let a copy of order be sent to the IG Registration and IG Registration may also be requested that the same be acknowledged to the DSRs/Sub DSRs.

The Authority further directs the respondent that the consideration amount received for executing the deed would be first paid to the allottees of that project who have filed complaint cases for refund.

With these directions, the matter is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman