

**REAL ESTATE REGULATORY AUTHORITY (RERA)
IN THE COURT OF ADJUDICATING OFFICER**

**4TH & 6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION CAMPUS
HOSPITAL ROAD, SHASTRI NAGAR
PATNA-800023**

| Sl. | Complaint Case No. | Complainants |
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| 1. | RERA/CC/1388/2020 RERA/AO/410/2020 | Sri Manoj Kumar Singh, S/o Late Gangotri Prasad Singh, R/o Gangotri Niwas, Sangam Vihar, Singhaual Pokhar, Begusarai, Bihar-851134 |
| 2. | RERA/CC/1455/2020 RERA/AO/451/2020 | Sri Madan Kumar Singh, S/o Late Gaibi Prasad Singh, R/o Qr. No.D1/194, Barauni Refinery Township, Post-Refinery Township, Begusarai, Bihar PIN-851117. |
| 3. | RERA/CC/1456/2020 RERA/AO/452/2020 | Rajeshwar Kumar Dubey, S/o Shree Kashi Nath Dubey, R/o Qtr. No.E2/122, Barauni Refinery Township, Dumri, Begusarai, Bihar, PIN-851117. <u>At Present:</u> Qtr. No.D2F/54 BRTS, Bihar. |
| 4. | RERA/CC/1457/2020 RERA/AO/453/2020 | Sri Prabhat Kumar, S/o Sri Parmanand Paswan, Lohsinghna Road, Ambedkarpuri, Sheopuri, Hazaribagh, Jharkhand-825301. <u>At Present:</u> Qtr. No.E2/9, Barauni Refinery Township, Begusarai, Bihar-251117. |
| 5. | RERA/CC/1465/2020 RERA/AO/457/2020 | Sri Rohit Kumar, S/o Sri Tanik Bhagat, R/o Ward No.06, Vill+P.O.-Dhabauli, PS-Mufassil, District-Begusarai, Bihar-851129. <u>At Present:</u> Quarter No.D2/39, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 6. | RERA/CC/1466/2020 RERA/AO/458/2020 | Sri Sanjeev Kumar Mishra, S/o Shri Laxmi Kant Mishra, Vill-Harpur, Post-Tilrah, Begusarai, Bihar-851112. <u>At Present:</u> Quarater No.D2/04, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 7. | RERA/CC/1467/2020 RERA/AO/459/2020 | Sri Shiv Ganga Prasad Singh, S/o Late Dashrath Prasad Singh, Near Sanichara Asthan, Jawahar Nagar, Begusarai, Bihar-851101. |

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| 8. | RERA/CC/1468/2020 RERA/AO/460/2020 | Sri Sudhir Kumar, S/o Late Dahu Sah, Vill+Post-Bari Ballia, Begusarai, Bihar-851211. <u>At Present:</u> Qtr. No.E1/30, Barauni Refinery Township, Begusarai, Bihar-851117 |
| 9. | RERA/CC/1469/2020 RERA/AO/461/2020 | Sri Sanjay Kumar Singh, S/o Late Baidyanath Prasad, Behind Durga Asthan Miya ChukChatti Road, Begusarai, Bihar-851101. <u>At Present:</u> Qtr. No.D1/145, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 10. | RERA/CC/1480/2020 RERA/AO/466/2020 | Sri Vikas Kumar, S/o Sri Rambadan Rai, R/o D1/112 B.R.T.S. Nagdah Begusarai, Bihar-851117. |
| 11. | RERA/CC/1481/2020 RERA/AO/470/2020 | Sri Pankaj Kumar, S/o Sri Kapil Deo Singh, Qtr. No.E2/21, Refinery Township, Begusarai, Bihar-851117. |
| 12. | RERA/CC/1482/2020 RERA/AO/471/2020 | Sri Prakash Chandra Amitabh, S/o Late Bhuwaneshwsar Singh, Flat No.604, Tower No.11, PuriPrathan Society, Sector-84, Greater Faridabad, Haryana-121002. |
| 13. | RERA/CC/1483/2020 RERA/AO/472/2020 | Sri Ashok Kumar, S/o Late Singheshwar Singh, R/o D-IF/05, B.R.T.S. Begusarai, Bihar-851117. |
| 14. | RERA/CC/1484/2020 RERA/AO/473/2020 | Sri Santosh Kumar Babu, S/o Sri Ishwar Dayal Mishra, R/o Village +P.O.-Keshrawan, Thana-Kurhani, Musaffrapur, Bihar-844120. <u>At Present:</u> Qr. No.D1/58, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 15. | RERA/CC/1491/2020 RERA/AO/475/2020 | Sri Raman Kumar Choudhary, S/o Late BishnuLal Choudhary, Lohiyanagar, Ward-26, Baghi, Begusarai, Bihar-851218. <u>At Present:</u> Qtr. No.E2/05, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 16. | RERA/CC/1492/2020 RERA/AO/476/2020 | Sri Akhilesh Kumar Thakur, S/o Late Bidyanand Thakur, Qtr. No.D1F/18, Barauni Refinery Township Nagdah, Begusarai, Bihar-851117. |

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| 17. | RERA/CC/1493/2020 RERA/AO/477/2020 | Sri Karmshil Kumar, S/o Late Ramavtar Mandal, Vill-Chakballi, Begusarai, Bihar-851210. <u>At Present:</u> Qr. Bo.CT-355, BGR Township Bongaigon, Assam. |
| 18. | RERA/CC/1494/2020 RERA/AO/478/2020 | Sri Mritunjay Singh, S/o Sri Ramkant Singh, Qr. No.DIF-15, Refinery Township, Begusarai, Bihar-851117. |
| 19. | RERA/CC/1495/2020 RERA/AO/479/2020 | Sri Umesh Prasad Sah, S/o Lorik Sah, Qr.No.D2/37, Refinery Township, Nagdah, Begusarai, Bihar-851117. |
| 20. | RERA/CC/1502/2020 RERA/AO/483/2020 | Sri Birju Paswan, S/o Sri Rajendra Paswan, Qr. No.E2/12, Barauni Refinery Township, Nagdah, Begusari, Bihar-851117. <u>At Present:</u> Qtr. No.E2/12, B.R.T.S., Bihar. |
| 21. | RERA/CC/1503/2020 RERA/AO/484/2020 | Hridayanand Prasad Gupta, S/o Sri Sardanand Prasad Gupta, Qtr. No.E1/47, Refinery Township, Begusarai, Bihar. <u>At Present:</u> Qtr.No.D1/05,Refinery Township, Bihar. |
| 22. | RERA/CC/1504/2020 RERA/AO/485/2020 | Sri Sanjay Kumar, S/o Sri Upendra Roy, Gachhi Tola, Sanichara Asthan, Power House Road, Begusarai. <u>At Present:</u> Qtr. No.E1/4, B.R.T.S., Beugusarai. |
| 23. | RERA/CC/1505/2020 RERA/AO/486/2020 | Sri Arun Kumar Choudhary, S/o Late Kailash Choudhry, Qtr. No.D1/54,Barauni Refinery Township, Begusarai, Bihar-851117. |
| 24. | RERA/CC/1506/2020 RERA/AO/487/2020 | Sri Abhay Kumar Sinha, S/o Late Kaushal Kumar Sinha, Tilak Nagar, StationRoad, Begusarai-851101. <u>At Present:</u> C-2036, Panipat Refinery Township, Haryana-132140. |
| 25. | RERA/CC/1507/2020 RERA/AO/488/2020 | Sri Nawal Kishor Singh, S/o Late Govind Prasad Singh, R/o D1 F/29, Refinery Township, Begusarai Nagdah, Bihar-851117. |
| 26. | RERA/CC/1508/2020 RERA/AO/489/202 | Sri Anil Kumar Sah, S/o Sri Jagdish Prasad Sah, JK & Sons, Ward no.31, Near Patel Chowk, Begusarai, Bihar-851117. <u>At Present:</u> D1/147 Refinery Township Begusari, Bihar-851117. |

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| 27. | RERA/CC/1509/2020 RERA/AO/490/2020 | Sri Akhileshwar Kumar, S/o Sri Kamla Ram, Qtr. No.E1/148, Barauni Refinery Township, Begusarai (Bihar)-851117. <u>At Present:</u> Qtr. No.D2F/56. Barauni Refinery Township, Begurarai (Bihar)-851117. |
| 28. | RERA/CC/1510/2020 RERA/AO/491/2020 | Sri Prabendra Kumar, S/o Vishwanath Prasad Sharma, Qtr. No.E1/36, Refinery Township, Nagdah, Cheria, Bariarpur, Begusarai (Bihar) - 851117. |
| 29. | RERA/CC/1519/2020 RERA/AO/496/2020 | Sri Devendra Kumar Kamal, S/o Babulal Paswan Sondipi, Lakhanpur, P.O.-Dhabouli, Begusarai. <u>At Present:</u> 1/309, Mathura Refinery Nagar, Mathura- 281006. |
| 30. | RERA/CC/1520/2020 RERA/AO/497 /2020 | Sri Surendra Paswan, S/o Late Dukhi Paswan,Vill+P.O.-Agwanpur, P.S.-Barh, Patna-803214. <u>At Present:</u> Qtr. No.1/302, M.R. Nagar, Mathura, UP-281006. |
| 31. | RERA/CC/1521/2020 RERA/AO/498/2020 | Sri Pawan Kumar, S/o Sri Ram Narayan Choudhary, Power House Road, Begusarai. <u>At Present:</u> B.G.R. Township, Qtr. No.BP 821/C, Bongaigaon, Assam. |
| 32. | RERA/CC/1522/2020 RERA/AO/499/2020 | Sri Ranjeet Kumr, S/o Swarn Kumar, Qtr. No.E2/45, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 33. | RERA/CC/1530/2020 RERA/AO/503/2020 | Sri Vijay Kumar Singh, S/o Late Shrikrishna Singh, Vill-Nasira, Post-Kohra Bazar, Chhapra, Saran, Bihar-841205. <u>At Present:</u> Qtr. No.D2/61, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 34. | RERA/CC/1531/2020 RERA/AO/504/2020 | Sri Prashant Kumar, S/o Sonelal Paswan, Chandpur bela, Devi Asthan, G.P.O.-Patna, Bihar-800001. <u>At Present:</u> Qtr. No.CP-483-D, BGR Township, Dhaligaon, Bongaigaon, Assam-783385. |

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| 35. | RERA/CC/1544/2020 RERA/AO/511/2020 | Sri Avinash Kumar, S/o Sri Anjani Kumar, Lohyanagar (West of Gem), Post-Suhirdnagar, Begusarai, Bihar-851218. <u>At Present:</u> D1/107, B.R.T.S., Begusarai, Bihar. |
| 36. | RERA/CC/1545/2020 RERA/AO/512/2020 | Sri Shashi Shekhar Prasad Singh, S/o Ram Chandra Prasad Singh, R/o Dhourani Tola, Ward No.17, Mokama, Patna, Bihar-803302. |
| 37. | RERA/CC/1546/2020 RERA/AO/513/2020 | Sri Ashok Kumar Sinha, S/o Late Mahesh Prasad Sinha, R/o Qtr. No.D2F/29, B.R.T.S., Begusarai, Bihar-851117. |
| 38. | RERA/CC/1552/2020 RERA/AO/517/2020 | Sri Manzar Hasan, S/o Late Hafhizur Rahim, Vill-Exari, P.O.-Maninda, Seakhpura. <u>At Present:</u> Qtr. No.D1/59, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 39. | RERA/CC/1553/2020 RERA/AO/518/2020 | Sri Ram Brajesh Kumar, S/o Late Chaintaman Thakur, Vill+P.O.-Loma, Thana-Rajapakar, Vaishali, Bihar. <u>At Present:</u> Qtr.No.D1/40, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 40. | RERA/CC/1572/2020 RERA/AO/527/2020 | Sri Ram Naresh Mahto, S/o Late Baiju Mahto, R/o Vill-New Colony Ulao, Gali No.5, Post-Ulao, Begusarai, Bihar-851134. <u>At Present:</u> Qtr. No.D1F/93, BarauniRefinery Township, Begusarai, Bihar-851117. |
| 41. | RERA/CC/1588/2020 RERA/AO/537/2020 | Sri Sidheshwar Sharma, S/o Late Saryug Sharma, R/o Vishwakarma Bhawan, Road No.2, New Colony, Ulao, Ward No.8, Begusarai, Bihar-851134. |
| 42. | RERA/CC/1589/2020 RERA/AO/538/2020 | Sri Satyanand Prasad Gupta, S/o Sri ShardaNand Prasad Gupta, R/o Christian Colony, Sadaquat Ashram, Kurjee, Patna. <u>At Present:</u> Qtr. No.D1/06, B.R.T.S., Begusarai, Bihar-851117. |

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| 43. | RERA/CC/1590/2020 RERA/AO/539/2020 | Sri Raj Kumar, S/o Tarkeshwar Prasad, R/o Qtr. No.D2/02, Post-Barauni Refinery Township, Begusarai, Bihar-851117. |
| 44. | RERA/CC/1596/2020 RERA/AO/541/2020 | Sri Satya Narayan Das, S/o Late Sukhdeo Das, R/o Qtr. No.D2F/66, B.R.T.S., Begusarai, Bihar-851117. |
| 45. | RERA/CC/1597/2020 RERA/AO/542/2020 | Sri Lal Baboo Chaudhary, S/o Tetar Chaudhary, R/o Vill+P.O.-Daulatpur, P.S.-Bhagwanganj (Masaurhi), Patna. <u>At Present:</u> Qtr. No.D1F/40, B.R.T.S., Begusarai, Bihar- 851117. |
| 46. | RERA/CC/1614/2020 RERA/AO/546/2020 | Sri Bishwanath Bhagat, S/o Late Kashinath Bhagat, R/o Qtr. No.D2F/79, Barauni Refinery Township, Begusarai, Bihar. <u>At Present:</u> Kashi Bhawan, P.O.-Bolpur, Makrampur, West Bengal |
| 47 | RERA/CC/1673/2020 RERA/AO/561/2020 | Sri Birendra Kumar Singh, S/o Late Sheo Singh, R/o House No.B/13, Balinath Nagar, Begusarai, Bihar-851101. |
| 48. | RERA/CC/1674/2020 RERA/AO/562/2020 | Sri Awinash Kumar, S/o Bhuwaneshwar Prasad Singh, R/o Ward No.02, Vill-Chilmil, Post-Chilmil, Begusarai, Bihar-851117. <u>At Present:</u> Qtr. No.E2/99, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 49 | RERA/CC/1683/2020 RERA/AO/564/2020 | Sri Pankaj Kumar Singh, S/o Sri Chandra Shekhar Singh, R/o Qtr. No.D2F/32, Refinery Township, Nagdah, Begusarai, Nagadh, Bihar-851117. <u>At Present:</u> ShekharNiwas, Vishnu Vihr Colony, Gola Road, Danapur, Patna, Bihar |
| 50 | RERA/CC/1690/2020 RERA/AO/566/2020 | Sri Ramanand Kumar Ray, S/o Sri Ram Das Mahto, R/o Vill+P.O.-Badalpura, P.S.- Matihani, Begusarai, Bihar. <u>At Present:</u> Qtr. No.E2/104, B.R.T.S., Begusarai, Bihar- 851117. |

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| 51. | RERA/CC/1691/2020 RERA/AO/567/2020 | Sri Rajesh Kumar Jha, S/o Rabindra Nath Jha, R/o Flat No.6/4, Galaxy Apartment, Astha Space Town, mango (Jamshedpur), Jharkhand-831012. <u>At Present:</u> Qtr. No.D1/172, Barauni Refinery Township, Begusarai, Bihar-851117. |
| 52. | RERA/CC/1716/2020 RERA/AO/586/2020 | Sri Raj Kumar Gandhi, S/o Late Dinesh Kumar Poddar, R/o Archana Vihar Colony, Main Road, Bagha, Post-Suhird Nagar, Begusarai, Bihar-851218. <u>At Present:</u> B-35, Sun Residency, Refinery Road, Gorwa, Behind Gayatri Petrol Pump, Vadodara, Gujarat-390016 |
| 53. | RERA/CC/1725/2020 RERA/AO/595/2020 | Sri Raj Kumar Chaudhary, S/o Sri Baleshwar Chaudhary, R/o Fauzdari Bazar, Post-Kasim Bazar, Munger, Bihar-811201 <u>At Present:</u> Qtr. No.D-1/64, B.T.R.S., Begusarai-851117 |
| Versus | | |
| 1. | M/s Agrani Homes Pvt. Ltd. | ... Respondents |
| 2. | Through : it's Director, Sri Alok Kumar, S/o Sri Padum Singh, House No.15, Ward No.1FA, Near Ruban Hospital, Patliputra Colony, District-Patna (Bihar) PIN-800013 <u>Presently Residing:</u> Yogipur Chitragupta Nagar, P.S.-Patrakar Nagar, P.O. Lohia Nagar, Kankarbagh, Patna-800020 | |

Present:
Sri Ved Prakash
Adjudicating Officer

Appearance:

For Complainants ... Sri Kishore Kunal, Advocate

For Respondents ... Sri Alok Kumar, Director

ORDER

12-02-2021

In view of the fact that these 53 complaint cases relate to same project "IOC Nagar" at Shiwala, Danapur, Patna of the

Promoter/Respondents and allegations are of similar nature, so a composite order is being passed in all these 53 cases.

2. These complaint cases are filed by the complainants named above against the Respondent No.1 M/s Agrani Homes Pvt. Ltd. through Respondent No.2, Sri Alok Kumar, C.M.D. of M/s Agrani Homes Pvt. Ltd. u/s 31 read with Section-71 of Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the "Act, 2016") for refund of their advanced principal amount along with accrued interest @ 18% per annum thereon and compensation of Rs.10.00 lacs for their economical, physical and mental harassment with litigation cost of Rs.1.00 lac to each complainant, consequent upon non-delivery of their allotted flats.

3. In nutshell, the common case of the complainants is that the Respondent No.1 through Respondent No.2, Sri Alok Kumar in 2013 approached to the employees of Indian Oil Corporation, Barauni Refinery to build approximately 96 residential flats in the project namely "IOC Nagar" at Shiwala, Danapur, Patna for them and their spouses. Various brochures were published and it was assured that the delivery of the possession of the flat shall be made within 3 years from the date of Agreement. Further case is that the other employees/ex-employees/employees comprising from Indian Oil Corporation constituted an organisation/group in the name of Indian

Oil Barauni Refinery Employees Welfare Housing Society (IOBREWHS), having it's office at Quarter No.D-2F/22 BRTS, P.O.-R.T.S., District-Begusarai - 851117, Bihar with object to build residential complex for it's members, in which these complainants also joined as members. On 06-02-2014 the Respondents and Indian Oil Barauni Refinery Employees Welfare Housing Society thorough/under the signature of Sri Shankar Kumar entered into an Agreement regarding the construction of 96 residential flats in the project "IOC Nagar" at Shiwala, Danapur having super built up area 1626 sq.ft. with one reserve car parking space to be allotted to its members as per their choice. As per assurance of the Respondents, each complainant as a member has agreed to purchase a flat on consideration amount of Rs.8,50,000/- plus applicable Service Taxes for each flat.

4. Payment of instalments made by the complainants to the Respondents may be seen through the Chart-A as detailed under:-

CHART-A

| Sl. No. | Complaint Case No. | Name of the Complainant | Total Consideration of the Flat (Applicable Taxes extra) Rs. | Date of Advance Payment of Instalment | Amount of Advanced Consideration Rs. |
|----------------|---------------------------------------|--------------------------------|---|--|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | RERA/CC/1388/2020 RERA/AO/410/2020 | Sri Manoj Kumar Singh | 8,50,000.00 | 02-06-2014 16-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 2. | RERA/CC/1455/2020 RERA/AO/451/2020 | Sri Madan Kumar Singh | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |

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| 3. | RERA/CC/1456/2020 RERA/AO/452/2020 | Sri Rajeshwar Kumar Dubey | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 4. | RERA/CC/1457/2020 RERA/AO/456/2020 | Sri Prabhat Kumar | 8,50,000.00 | 23-02-2014 16-10-2015 Total | 55,000.00 <u>55,000.00</u> 1.10.000.00 |
| 5. | RERA/CC/1465/2020 RERA/AO/457/2020 | Sri Rohit Kumar | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 6. | RERA/CC/1466/2020 RERA/AO/458/2020 | Sri Sanjeev Kumar Mishra | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 7. | RERA/CC/1467/2020 RERA/AO/459/2020 | Sri Shivganga Prasad Singh | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 8. | RERA/CC/1468/2020 RERA/AO/460/2020 | Sri Sudhir Kumar | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 9. | RERA/CC/1469/2020 RERA/AO/461/2020 | Sri Sanjany Kumar Singh | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 10. | RERA/CC/1480/2020 RERA/AO/466/2020 | Sri Vikas Kumar | 8,50,000.00 | 23-02-2014 05-10-2016 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 11. | RERA/CC/1481 /2020 RERA/AO/470/2020 | Sri Pankaj Kumar | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 12. | RERA/CC/1482/2020 RERA/AO/471/2020 | Sri Prakish Chandra Amitabh | 8,50,000.00 | 02-06-2014 05-10-2015 | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 13. | RERA/CC/1483/2020 RERA/AO/472/2020 | Sri Ashok Kumar | 8,50,000.00 | 02-06-2014 16-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 14. | RERA/CC/1484/2020 RERA/AO/473/2020 | Sri Santosh Kumar Babu | 8,50,000.00 | 23-02-2014 05-10-2015 | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 15. | RERA/CC/1491/2020 RERA/AO/475/2020 | Sri Raman Kumar Choudhary | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 16. | RERA/CC/1492/2020 RERA/AO/476/2020 | Sri Akhilesh Kumar Thakur | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 17. | RERA/CC/1493/2020 RERA/AO/477/2020 | Sri Karnshil Kumar | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 18. | RERA/CC/1494/2020 RERA/AO/478/2020 | Sri Mritunjay Singh | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 19. | RERA/CC/1495/2020 RERA/AO/479/2020 | Sri Umesh Prasad Sah | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 20. | RERA/CC/1502/2020 RERA/AO/483/2020 | Sri Birju Paswan | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |
| 21. | RERA/CC/1503/2020 RERA/AO/484/2020 | Sri Hridyanand Prasad Gupta | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 <u>55,000.00</u> 1,10,000.00 |

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| 22. | RERA/CC/1504/2020 RERA/AO/485/2020 | Sri Sanjay Kumar | 8,50,000.00 | 16-10-2015 | 1,10,000.00 |
| 23. | RERA/CC/1505/2020 RERA/AO/486/2020 | Sri Arun Kumar Chaudhary | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 24. | RERA/CC/1506/2020 RERA/AO/487/2020 | Sri Abhay Kumar Sinha | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 25. | RERA/CC/1507/2020 RERA/AO/488/2020 | Sri Nawal Kishor Singh | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 26. | RERA/CC/1508/2020 RERA/AO/489/2020 | Sri Anil Kumar Sah | 8,50,000.00 | 22-05-2014 15-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 27. | RERA/CC/1509/2020 RERA/AO/490/2020 | Sri Akhileshwar Kumar | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 28. | RERA/CC/1510/2020 RERA/AO/491/2020 | Sri Prabendra KUMAR | 8,50,000.00 | 25-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 29. | RERA/CC/1519/2020 RERA/AO/496/2020 | Sri Devendra Kumar Kamal | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 30. | RERA/CC/1520/2020 RERA/AO/497/2020 | Sri Surendra Paswan | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 31. | RERA/CC/1521/2020 RERA/AO/498/2020 | Sri Pawan Kumar | 8,50,000.00 | 16-10-2015 | 1,10,000.00 |
| 32. | RERA/CC/1522/2020 RERA/AO/499/2020 | Sri Ranjeet Kumar | 8,50,000.00 | 14-07-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 33. | RERA/CC/1530/2020 RERA/AO/503/2020 | Sri Vijay Kumar Singh | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 34. | RERA/CC/1531/2020 RERA/AO/504/2020 | Sri Prashant Kumar | 8,50,000.00 | 23-02-2014 16-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 35. | RERA/CC/1544/2020 RERA/AO/511/2020 | Sri Avinash Kumar | 8,50,000.00 | 23-02-2014 31-12-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 36. | RERA/CC/1545/2020 RERA/AO/512/2020 | Sri Shashi Shekhar Singh | 8,50,000.00 | 12-02-2014 02-06-2014 Total | 55,000.00 55,000.00 1,10,000.00 |
| 37. | RERA/CC/1546/2020 RERA/AO/513/2020 | Sri Ashok Kumar Sinha | 8,50,000.00 | 02-06-2014 16-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 38. | RERA/CC/1552/2020 RERA/AO/517/2020 | Sri Manzar Hasan | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 39. | RERA/CC/1553/2020 RERA/AO/518/2020 | Sri Ram Brajesh Kumar | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 40. | RERA/CC/1572/2020 RERA/AO/527/2020 | Sri Ram Naresh Mahto | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 41. | RERA/CC/1588/2020 RERA/AO/537/2020 | Sri Sidheshwar Sharma | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 42. | RERA/CC/1589/2020 RERA/AO/538/2020 | Sri Satya Nand Prasad Gupta | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |

| | | | | | |
|-----|---------------------------------------|----------------------------------|-------------|--|--|
| 43. | RERA/CC/1590/2020 RERA/AO/539/2020 | Sri Raj Kumar | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 44. | RERA/CC/1596/2020 RERA/AO/541/2020 | Sri Satya Narayan Das | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 45. | RERA/CC/1597/2020 RERA/AO/542/2020 | Sri Lal Babu Chaudhary | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 46. | RERA/CC/1614/2020 RERA/AO/546/2020 | Sri Bishwa Nath Bhagat | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 47. | RERA/CC/1673/2020 RERA/AO/561/2020 | Sri Birendra Kumar Singh | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 48. | RERA/CC/1674/2020 RERA/AO/562/2020 | Sri Awinash Kumar | 8,50,000.00 | 01-03-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 49. | RERA/CC/1683/2020 RERA/AO/564/2020 | Sri Pankaj Kumar Singh | 8,50,000.00 | 23-02-2014 16-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 50. | RERA/CC/1690/2020 RERA/AO/566/2020 | Sri Ramanand Kumar Ray | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 51. | RERA/CC/1691/2020 RERA/AO/567/2020 | Sri Rajesh Kumar Jha | 8,50,000.00 | 02-06-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 52. | RERA/CC/1716/2020 RERA/AO/586/2020 | Sri Raj Kumar Gandhi | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |
| 53. | RERA/CC/1725/2020 RERA/AO/595/2020 | Sri Rajesh Kumar Chaudhary | 8,50,000.00 | 23-02-2014 05-10-2015 Total | 55,000.00 55,000.00 1,10,000.00 |

5. Further case of the complainants is that on 05-10-2015 a letter was issued by the Indian Oil Barauni Refinery Employees Welfare Housing Society under the signature of Sri Madan Kumar Singh (complainant no.2) with information to the Respondents that Executive Committee has been changed with Secretary namely; Sri Madan Kumar Singh as well as office address has also been changed to new one as Quarter No.E1/36, B.R.T.S., P.O.-R.T.S., District-Begusarai-851117 and it was also requested that all clauses in M.O.U. dated 06-02-2014 in respect of second part (Indian Oil Barauni Refinery Employees Welfare Housing Society) shall be at liberty for addition / deletion of old/new members without affecting any changes in total number of flats agreed

in M.O.U. Under the above referred subject, it is internal affair of the Second Part.

6. Further case is that on 24-12-2015 the Respondents through the Director, Sri Alok Kumar demanded for release of due instllments of Rs.2,00,000/-per flat from each member on the ground that the Map has been approved and stated that Rs.1,92,00,000/- may be paid within 7 days of receipt of the letter, so that further construction may proceed. Thereafter, on 28-12-2015 the Respondents through Sri Alok Kumar and Indian Oil Barauni Refinery Employees Welfare Housing Society under signature of Sri Madan Kumar Singh entered into Agreement for Sale with respect to the letter dated 05-05-2015 (Annexure-4). On 30-12-2015 a letter was issued by Indian Oil Barauni Refinery Employees Welfare Housing Society under signature of Sri Madan Kumar Singh for payment of 3rd instalment, as per demand of the Respondents letter dated 24-12-2015.

Detail of the payment of 3rd instalment made by the complainants to the Respondents along with total payment of advance consideration may be seen through the Chart-B as under:-

CHART -B

| Sl. No. | Complaint Case No. | Name of the Complainant | Total Consideration of the Flat (Applicable Taxes extra) Rs. | Date of Advance Payment of Instalment | Amount of Advanced Consideration Rs. |
|----------------|---------------------------------------|--------------------------------|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | RERA/CC/1388/2020 RERA/AO/410/2020 | Sri Manoj Kumar Singh | 8,50,000.00 | Previous amount 01-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |

| | | | | | |
|-----|--|-----------------------------|-------------|--|---|
| 2. | RERA/CC/1455/2020 RERA/AO/451/2020 | Sri Madan Kumar Singh | 8,50,000.00 | Previous amount 04-01-2016 Total But, claimed Rs.2,60,000/- | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 3. | RERA/CC/1456/2020 RERA/AO/452/2020 | Sri Rajeshwar Kumar Dubey | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 4. | RERA/CC/1457/2020 RERA/AO/456/2020 | Sri Prabhat Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 5. | RERA/CC/1465/2020 RERA/AO/457/2020 | Sri Rohit Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 6. | RERA/CC/1466/2020 RERA/AO/458/2020 | Sri Sanjeev Kumar Mishra | 8,50,000.00 | Previous amount 28-02-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 7. | RERA/CC/1467/2020 RERA/AO/459//2020 | Sri Shivganga Prasad Singh | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,00,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 8. | RERA/CC/1468/2020 RERA/AO/460/2020 | Sri Sudhir Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 9. | RERA/CC/1469/2020 RERA/AO/461/2020 | Sri Sanjany Kumar Singh | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 10. | RERA/CC/1480/2020 RERA/AO/466/2020 | Sri Vikas Kumar | 8,50,000.00 | Previous amount 04-10-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 11. | RERA/CC/1481 /2020 RERA/AO/470/2020 | Sri Pankaj Kumar | 8,50,000.00 | Previous amount 28-02-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 12. | RERA/CC/1482/2020 RERA/AO/471/2020 | Sri Prakash Chandra Amitabh | 8,50,000.00 | Previous amount 04-01-2016 | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 13. | RERA/CC/1483/2020 RERA/AO/472/2020 | Sri Ashok Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 14. | RERA/CC/1484/2020 RERA/AO/473/2020 | Sri Santosh Kumar Babu | 8,50,000.00 | Previous amount 01-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 15. | RERA/CC/1491/2020 RERA/AO/475/2020 | Sri Raman Kumar Choudhary | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |
| 16. | RERA/CC/1492/2020 RERA/AO/476/2020 | Sri Akhilesh Kumar Thakur | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 <u>2,00,000.00</u> 3,10,000.00 |

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|-----|---------------------------------------|-----------------------------|-------------|---|--|
| 17. | RERA/CC/1493/2020 RERA/AO/477/2020 | Sri Karmshil Kumar | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 18. | RERA/CC/1494/2020 RERA/AO/478/2020 | Sri Mritunjay Singh | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 19. | RERA/CC/1495/2020 RERA/AO/479/2020 | Sri Umesh Prasad Sah | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 20. | RERA/CC/1502/2020 RERA/AO/483/2020 | Sri Birju Paswan | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 21. | RERA/CC/1503/2020 RERA/AO/484/2020 | Sri Hridyanand Prasad Gupta | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 22. | RERA/CC/1504/2020 RERA/AO/485/2020 | Sri Sanjay Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 23. | RERA/CC/1505/2020 RERA/AO/486/2020 | Sri Arun Kumar Chaudhary | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 24. | RERA/CC/1506/2020 RERA/AO/487/2020 | Sri Abhay Kumar Sinha | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 25. | RERA/CC/1507/2020 RERA/AO/488/2020 | Sri Nawal Kishor Singh | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 26. | RERA/CC/1508/2020 RERA/AO/489/2020 | Sri Anil Kumar Sah | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 27. | RERA/CC/1509/2020 RERA/AO/490/2020 | Sri Akhileshwar Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 28. | RERA/CC/1510/2020 RERA/AO/491/2020 | Sri Prabendra Kumar | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 29. | RERA/CC/1519/2020 RERA/AO/496/2020 | Sri Devendra Kumar Kamal | 8,50,000.00 | Previous amount 13-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 30. | RERA/CC/1520/2020 RERA/AO/497/2020 | Sri Surendra Paswan | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 31. | RERA/CC/1521/2020 RERA/AO/498/2020 | Sri Pawan Kumar | 8,50,000.00 | Previous amount 17-03-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |

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|-----|--|-----------------------------|-------------|---|--|
| 32. | RERA/CC/1522/2020 RERA/AO/499/2020 | Sri Ranjeet Kumar | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 33. | RERA/CC/1530/2020 RERA/AO/503/2020 | Sri Vijay Kumar Singh | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 34. | RERA/CC/1531/2020 RERA/AO/504/2020 | Sri Prashant Kumar | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 35. | RERA/CC/1544/2020 RERA/AO/511 /2020 | Sri Avinash Kumar | 8,50,000.00 | Previous amount 17-03-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 36. | RERA/CC/1545/2020 RERA/AO/512/2020 | Sri Shashi Shekhar Singh | 8,50,000.00 | Previous amount 04-02-2015 Total | 1,10,000.00 55,000.00 2,65,000.00 |
| 37. | RERA/CC/1546/2020 RERA/AO/513/2020 | Sri Ashok Kumar Sinha | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 38. | RERA/CC/1552/2020 RERA/AO/517/2020 | Sri Manzar Hasan | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 39. | RERA/CC/1553/2020 RERA/AO/518/2020 | Sri Ram Brajesh Kumar | 8,50,000.00 | Previous amount 17-03-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 40. | RERA/CC/1572/2020 RERA/AO/527/2020 | Sri Ram Naresh Mahto | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 41. | RERA/CC/1588/2020 RERA/AO/537/2020 | Sri Sidheshwar Sharma | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 42. | RERA/CC/ 1589/2020 RERA/AO/538/2020 | Sri Satya Nand Prasad Gupta | 8,50,000.00 | Previous amount 05-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 43. | RERA/CC/1590/2020 RERA/AO/539/2020 | Sri Raj Kumar | 8,50,000.00 | Previous amount 30-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 44. | RERA/CC/1596/2020 RERA/AO/541/2020 | Sri Satya Narayan Das | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 44. | RERA/CC/1597/2020 RERA/AO/542/2020 | Sri Lal Babu Chaudhary | 8,50,000.00 | Previous amount 28-02-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 46. | RERA/CC/1614/2020 RERA/AO/546/2020 | Sri Bishwa Nath Bhagat | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |

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|-----|---------------------------------------|----------------------------|-------------|---|--|
| 47. | RERA/CC/1673/2020 RERA/AO/561/2020 | Sri Birendra Kumar Singh | 8,50,000.00 | Previous amount 28-02-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 48. | RERA/CC/1674/2020 RERA/AO/562/2020 | Sri Awinash Kumar | 8,50,000.00 | Previous amount 12-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 49. | RERA/CC/1683/2020 RERA/AO/564/2020 | Sri Pankaj Kumar Singh | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 50. | RERA/CC/1690/2020 RERA/AO/566/2020 | Sri Ramanand Kumar Ray | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 51. | RERA/CC/1691/2020 RERA/AO/567/2020 | Sri Rajesh Kumar Jha | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 52. | RERA/CC/1716/2020 RERA/AO/586/2020 | Sri Raj Kumar Gandhi | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |
| 53. | RERA/CC/1725/2020 RERA/AO/595/2020 | Sri Rajesh Kumar Chaudhary | 8,50,000.00 | Previous amount 04-01-2016 Total | 1,10,000.00 2,00,000.00 3,10,000.00 |

7. Further case of the complainants is that as per Agreement with the Respondents, the terms of payment was as under:-

- (A) First instalment of Rs.51,000/- from each member / allottee after execution of M.O.U.
- (B) Second installment of Rs.51,000/- was to be payable after completion of boundary of the said land.
- (C) Third instalment of Rs.2,00,000/- was to be payable after approval of the Map.
- (D) Fourth instalment of Rs.3.00 lacs was to be payable after occasion of *Bhoomi Pujan*.

(E) The last and final installment of Rs.2.43,750/- was to be payable only after completion of basement slab.

Indian Oil Barauni Refinery Employees Welfare Housing Society member could not assess the ill-motive of the Respondents. The Respondents have availed total Rs.3,10,000/- from each member/allottee, except one member, and presently the Respondents are unable to deliver the possession of the flat/apartment of the project within prescribed time of 3 years from the date of Agreement. It will appear that the Respondents have received about Rs.3.00 crores from the members/allottees of the said Housing Society and seeing no further progress in the construction and approval/registration of the project, the Barauni Refinery Employees Welfare Housing Society issued several letters and Minutes of the meeting to the Respondents regarding security and status of the project to the Respondents. The complainants and their representatives approached to the Respondents several times for delivery of the flats/refund of principal amount with interest and when they have not seen/got any satisfactory answer from the Respondents side, thought it proper to file the complaint cases against the Respondents in this Court seeking above reliefs.

8. The Respondents on appearance through the Respondent No.2, Director, Sri Alok Kumar have filed replies pleading *inter-alia* that they

are ready to refund the principal amount of each and every complainant on cancellation of allotment of their flats, but they may be provided some time for refund in instalments and in light of their assurances these complaint cases may be disposed of.

9. On the basis of the pleadings of the parties and submissions of the learned lawyer for complainants and Respondent No.2, Sri Alok Kumar, the following points are formulated to adjudicate the case:-

- (i) Whether the complainants are entitled for refund of their advanced principal amount along with accrued interest @ 18% per annum thereon against the Respondents?
- (ii) Whether each complainant is entitled for compensation of Rs.10.00 lacs against the Respondents for his economical, physical and mental harassment?
- (iii) Whether each and every complainant is entitled for litigation cost of Rs.1.00 lac against the Respondents?

Point No.(i):

10. Admittedly, the complainants have constituted an organisation / group consisting of other employees / ex-employees / employees comprising from Indian Oil Corporation in the name of Indian Oil Barauni Refinery Employees Welfare Housing Society, (I.O.B.R.E.W.H.S.) having its office at Quarter No.D-2F/22, B.R.T.S.,

P.O.-R.T.S., District-Begusarai-851117, Bihar with the objective to build residential complex for its members, in which these complainants also joined as members. It is also admitted case that in the year 2013 the Respondents through Respondent No.2, Sri Alok Kumar approached to the employees of Indian Oil Corporation, Barauni Refinery to build a Housing Complex namely “IOC Nagar” at Shiwala, Danapur, Patna for them and their spouses. The Respondents proposed to construct approximately 96 residential flats for the members/employees of Indian Oil Corporation, Barauni Refinery. It is also admitted case that on 06-02-2014 the Respondents through Respondent No.2 it’s Director, Sri Alok Kumar on one side and Indian Oil Barauni Refinery Employees Welfare Housing Society under signature of Sri Shankar Kumar on other side executed a M.O.U. with respect to the project “IOC Nagar” at Shiwala, Danapur, District-Patna for construction of 96 residential flats having super built up area 1626 sq.ft. along with one reserve car parking space to be allotted to each and every member of the Indian Oil Barauni Refinery Employees Welfare Housing Society as per their choice on consideration of Rs.8,50,000/- plus applicable Service Taxes. It is also admitted case that members/allottees have to deposit Rs.51.00 lacs plus applicable Service Tax as token money within seven days from the

date of execution of M.O.U. and the balance amount plus applicable Service Taxes shall be payable as per following schedule:-

- (i) On completion of boundary of the said land acquired for the purpose Rs.51.00 lacs plus Service Taxes.
- (ii) On approval of the said Map Rs.2.00 lacs plus Service Tax against each flat amounting total Rs.1,92,00,000/-.
- (iii) On the occasion of *Bhoomi Pujan* Rs.3.00 lacs plus Service Tax against each flat amounting total Rs.2,88,00,000/-.
- (iv) On completion of basement slab Rs.2,43,750/- plus Service Tax against each flat amounting total Rs.2,34,00,000/-.

11. Admittedly the said flats of the project “IOC Nagar”, Shiwala, Danapur have to be completed and delivered to the members/allottees within 3 years with grace period of 6 months from the date of approval of the Map. The complainants have filed M.O.U. dated 06-02-2014 (Annexure-1) executed between both the parties, which support the case of the complainants. As per M.O.U., each and every complainant has paid two installments each of Rs.55,000/- and in this way the complainants have fulfilled the terms and conditions of the payment schedule mentioned in M.O.U.

executed between the parties. The payment schedule by each and every complainant also find support from the money/bank receipts filed by the complainants on the record, which is issued by the Respondents. It shows that each and every complainant has paid Rs.1,10,000/- to the Respondents without any hesitation. The complainants have further filed (Annexure-4) intimation of Change of Address as well as office bearer and insertion of a clause in M.O.U. executed between both the parties, wherein they have informed to the Respondents that their Executive Committee has been changed and Secretary Sri Madan Kumar Singh (complainant no.2) has taken charge in place of Sri Shankar Kumar and their address has also been changed to Quarter No.E1/36, B.R.T.S. P.O.-R.T.S., District-Begusarai-851117, Bihar and they have requested for insertion of a clause to the effect that the Second Part shall be at liberty for addition/deletion of old/new members without affecting any change in total number of flats agreed in M.O.U. under the above referred subject, as it is internal affair of the Second Part. Thereafter, on 24-12-2015 Respondent No.2, Sri Alok Kumar demanded release of Rs.2.00 lacs by each and every member/allottee of 96 flats. During this period, an Agreement for Sale was executed on 28-12-2015 between Respondent No.1, M/s Agrani Homes Pvt. Ltd. through Respondent No.2, Sri Alok

Kumar on one side and Sri Madan Kumar Singh, Secretary of Indian Oil Barauni Refinery Employees Welfare Housing Society on other side for sale/purchase of 96 residential flats on consideration of Rs.8,50,000/- plus applicable taxes for construction of the project “IOC Nagar” at Shiwala, Danapur, Patna, wherein it was agreed that construction of the building shall be completed within 30 months with grace period of 6 months after approval of Map by the competent authority, provided that the time for completion shall be deemed to have been extended in the event of Force Majeure, if the developer/vendor is not able to give possession of the flat to the buyers/vendees on the above account or any reasonable cause, the buyers/vendees may not be entitled for any damage whatsoever, but shall be entitled to receive back the entire money paid by him to the developer/vendor. However, in para-3 of the Deed both the parties have further agreed that if the builder shall not hand over the possession of the unit within the stipulated period and buyer/vendee wanted to get his money back, then the builder/vendor shall return the payment made by the buyer/vendee along with prevailing industry interest to the buyer/vendee and if buyer/vendee wanted to get the scheduled flat, the developer/vendor shall pay prevailing industry interest on the total

payments made to the developer/vendor over the delayed period (subject to para-9) to the buyer/vendee as per the norms.

The complainants have filed Agreement for Sale (Annexure-6) in support their case. As per demand letter dated 24-12-2015 of the Respondents on 30-12-2015 a letter was issued by the Indian Oil Barauni Refinery Employees Welfare Housing Society Secretary, Sri Madan Kumar Singh for payment of 3rd instalment and as per his request each and every member/allottee/complainant has paid Rs.2.00 lacs to the Respondents, for which the Respondents have issued receipts. The complainants have filed photocopy of letter dated 30-12-2015 issued by the Secretary, Sri Madan Kumar Singh and payment receipts dated 04-01-2016 issued by the Respondents to each and every complainant, which support the payment of Rs.2.00 lacs made by each and every complainant to the Respondents. It also shows that except one complainant, Sri Shashi Shekhar Singh, each complainant has paid Rs.3,10,000/- and complainant Sri Shashi Shekhar Singh has paid Rs.1,65,000/- to the Respondents. In this way, all the above complainants have paid Rs.1,62,85,000/- to the Respondents.

12. As per 1st proviso of Section-3 and Section-3(2)(b) of the Act, 2016, the Respondents should have filed Completion Certificate for showing that the project "IOC Nagar" at Shiwala, Danapur, Patna has

been completed prior to enforcement of the Act, 2016 on 01-05-2017 and non-filing of Completion Certificate shows that project is ongoing and this Court has jurisdiction to entertain these complaint cases against the Respondents.

During continuance of Agreement either the Respondents should have completed the project and handed-over possession of the flats to the complainants within stipulated time or should have refunded their principal amount along with interest thereon at industry rates, as agreed in Agreement for Sale executed between both the parties. The complainants have stated that several revised dates of possession were filed unilaterally by the Respondents, but they failed to deliver the flats to them. It is correct that M.O.U. between both the parties was executed on 06-02-2014 and time for delivery of possession was given within 3 years with grace period of 6 months, which has expired on 06-08-2017. It is also to be added that later on 28-12-2015 another Agreement for Sale was executed between the Respondent No.2, Sri Alok Kumar and Sri Madan Kumar Singh, Secretary of Indian Oil Barauni Refinery Employees Welfare Housing Society, wherein both the parties have agreed that the construction of the building shall be completed within 30 months with grace period of 6 months after approval of Map by the competent authority. The Respondents could not get approval of the Map of the project from

competent authority, so if the date of execution of Sale Deed is presumed to be the date of approval of the Map, then the building should have been completed till 27-12-2018. The Respondents have also failed to get RERA Registration of the project. It shows that there is nothing done by the Respondents for construction of the project and that is why they are not in position to complete and deliver the possession of the flats to the complainants in near future. Hence, the buyers/complainants cannot wait indefinite period for delivery of possession of their flats. It also appears that when the Respondents have become unable to construct the project, then either Suo Moto or on demand they should have refunded the principal amounts to complainants as stated above. However, it is made clear that the Respondents have refunded Rs.50,000/- to complainant, Sri Madan Kumar Singh 07-03-2020 out of total advanced principal amount Rs.3,10,000/-.

Hence, as per proviso of Section-12 and Section 18(1)(b) of the Act, 2016, it is reasonable for this Court to hold that the Respondents are liable to refund the principal amounts along with interest thereon to each and every complainant.

13. The complainants have claimed interest @ 18% per annum on the advance principal amount paid to the Respondents. But, the Respondent No.2, Sri Alok Kumar submitted that they are making

construction of other projects also and interest @ 18% per annum is much high, hence, the same may be minimised. On going through the record as well as submissions of both the parties, it appears that the Respondents are running other projects too, in which the interests of other buyers are involved. So, naturally the payment of higher rate of interest will adversely affect the construction business of the Respondents as well as the interest of other buyers. In such view of the matter and circumstances of the case, it appears that the prevailing bank interest may be appropriate to be levied against the Respondents. As per rule 17, 18 of the Bihar Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the “Rules, 2017”), the Respondents have to pay simple interest 2% above the M.C.L.R. of S.B.I. Presently, the M.C.L.R. of S.B.I. is 7.30% per annum for a Home Loan of more than 3 years and if 2% is added, the interest rate will come 9.30% per annum. Hence, the Respondents have to refund the principal amount to each and every complainant paid by him to the Respondents along with accrued simple interest @ 9.30% per annum on said principal amount from the date of payment made by the respective complainant to the Respondents till refund of said amount by the Respondents to the complainants. Accordingly, Point No.1 is decided in positive in favour of the complainants and against the Respondents.

Point No.(ii):

14. Each complainant has also claimed compensation of Rs.10.00 lacs for his economical, physical and mental harassment against the Respondents. As per Section 72 of the Act, 2016, the Respondents have been benefitted with advanced principal amount paid by the complainants, which is approximately more than Rs.1,62,85,000/- and still the said amount is lying with the Respondents and they are using the same in their business development. Presently, the Respondents are avoiding delivery of the flats/refund of advanced principal amount to the complainants. The complainants cannot wait indefinite period for delivery of their flats by the Respondents. So, naturally, their demand for refund of advanced principal amount appears genuine. It is also to be mentioned here that now a flat of same area will not be available to the complainants in the same locality at the same price, which was available to them in the year 2014 and at present the price of flats would have been multiplied. Most of the complainants have paid approximately Rs.3,10,000/, which is about 36% of the total consideration amount. The Respondents are running other projects and improving their business. In addition, in spite of repeated assurances in the Court, the Respondents have not refunded the advanced principal amounts to the complainants. So taking all situations into consideration and the

advance principal amount paid by the complainants to the Respondents and retention of said amount by the Respondents, I think, Rs.50,000/-, which is about 16% of the advanced principal amount Rs.3,10,000/-, will be appropriate amount to be paid as compensation to each complainant for his economical, physical, and mental harassment, except complainant, Sri Shashi Shekhar Singh. The complainant, Sri Shashi Shekhar Singh has to be paid Rs.27,000/- as compensation for his economical, physical and mental harassment. Accordingly, Point No.2 is decided in positive in favour of the complainants and against the Respondents.

Point No.(iii):

15. The complainants have visited repeatedly to the office of the Respondents and met with them as well as their staffs for refund of their advanced principal amount, but neither the Respondents nor their staffs have given any heed to their requests till filing of the present complaint cases. I think, the complainants would have incurred expenses in visiting to the office of the Respondents, engaging learned lawyer, executing documents in the A.O. Court of RERA, Bihar, remitted Court Fee, and in all these processes, each of them would have incurred not less than Rs.15,000/-, which must be paid by the Respondents. Accordingly, I find and hold that each and every complainant is entitled for litigation cost of Rs.15,000/- against the

Respondents. Accordingly, Point No.3 is decided in positive in favour of the complainants and against the Respondents.

Therefore, all the 53 complainant cases of the complainants named above are allowed on contest with litigation cost of Rs.15,000/- (Rupees fifteen thousand only) to each and every complainant against the Respondents. The Respondents are directed to refund the advanced principal amounts along with accrued simple interest @ 9.30% per annum thereon since respective date of payment by each and every complainant to the Respondents till actual date of refund by the Respondents to each and every complainant. The Respondents are further directed to pay compensation of Rs. 50,000/- (Rupees fifty thousand only) to each and every complainant, except complainant, Sri Shashi Shekhar Singh, for his economical, physical and mental harassment. The Respondents are further directed to pay Rs.27,000/- (Rupees twenty seven thousand only) to the complainant, Sri Shashi Shekhar Singh for his economical, physical and mental harassment. The Respondents are further directed to comply the order within 60 (sixty) days, failing which the complainants are entitled to get enforced the order through process of the Court.

Sd/-
(Ved Prakash)
Adjudicating Officer
12-02-2021