

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

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

Sl.	Complaint Case No.	Complainants
1.	RERA/CC/743/2019 RERA/AO/179/2019	Sri Manoj Kant Sahay, S/o Late B.K. Sahay, R/o 604, Ambience Park, East Boring Canal Road, Near Lalita Hotel, Patna-800001.
2.	RERA/CC/744/2019 RERA/AO/180/2019	Sri Nawin Kumar Sinha, S/o Late Shyam Bihari Prasad, R/o Yash Kriti Apartment, FlatNo.203-A, Kurji Hospital Road, P.O.- Sadakat Ashram, Behind HP Petrol Pump, Patna-800010 (Bihar)
3.	RERA/CC/745/2019 RERA/AO/181/2019	Sri Raj Kumar Singh, S/o Sri Harendra Singh, R/o FlatNo.203/C, Lalkothi Apartment, Jakkanpur, Near Lakshmi Market, Patna-1 (Bihar). <u>At Present:</u> Quarter No.B2/5,Power Grid Township, Karbigahiya, Patna-1.
4.	RERA/CC/746/2019 RERA/AO/182/2019	Smt. Niru Sinha, D/o Sri Rajeshwar Prasad Sinha, W/o Sri Ranjit Kumar, R/o D-20 Ground Floor, Pandav Nagar, Patparganj, East Delhi-110091. <u>At Present:</u> E-33 Top Floor, Noida Sector-6, Gautam Budha Nagar, U.P.-201301.
5.	RERA/CC/747/2019 RERA/AO/183/2019	Sri Saumya Singh, S/o Sri Ram Udar Singh, R/o Flat No.3113,Sobha Ruby, Nagasandra, Near Nagasandra Metro Station.Bangalore-560073.
6.	RERA/CC/748/2019 RERA/AO/184/2019	Smt. Swati Singh, W/o Akhand Pratap Singh, C/o Vill-Punika Purva, Post-Dhata, District-Fatehpur, U.P.-212641. <u>At Present:</u> Flat No.T11/608, Eldeco Saubhagyam Varindvan Yojna, Lucknow-226001.
7.	RERA/CC/749/2019 RERA/AO/185/2019	Ms. Kumari Smita, D/o Lakshman Singh, Flat No.102, Harshita Kunj Apartment, Magistrate Colony, Ashiana, Patna-800025. <u>At Present:</u> Flat No.401, Rama Shyama Villa, Gola Road, Patna-801503.

8.	RERA/CC/764/2019 RERA/AO/190/2019	Smt. Saroj Bala, W/o Sri Jagat Ram, R/o Power Grid Corporation of India Ltd., 400/200 KV Patna Sub-Station, Gaurichak, Post, Fatehpur, Patna-803201. <u>At Present:</u> Power Grid Residential Colony, Qr.10, Near Panama Chowk, Opp: C.B.I. Office, Gandhi Nagar, Jammu-180004
9.	RERA/CC/765/2019 RERA/AO/191/2019	Sri Hansraj Prasad, s/o Ramchandra Mahto, R/o Vill-Bhalui, Near Middle School, District-Lakhisarai, Bihar, PIN-811310. <u>At Present:</u> Power Corporation of India Ltd., 400/200 KV Patna Sub-Station, At-Gaurichak, Patna- Gaya Road, Patna800007.
10	RERA/CC/766/2019 RERA/AO/196/2019	Sri Amit Kumar, S/o Sri Krishna Deo Prasad, C/o- R/o Asha Kunj, Gautam Nagar, Ward No.11, Mohalla-Gangzala, P.O.+District-Saharsa, PIN-852201 (Bihar). <u>At Present:</u> Power Grid Corporation of India Ltd., 400/132 KV Banka Sub-Station, Village- Kharahara, Bhagalpur Hasdiha Road, Near Dhaka More, District-Banka-813103.
11	RERA/CC/767/2019 RERA/AO/193/2019	Sri Bipul Kumar, S/o Late Shiva Priya Sinha, Manjhauri Bhawan, Churi Market Devi Sthan Gali, OPP: Jahaji Kothi, Phulwari, Patna, Bihar-800001.
12	RERA/CC/768/2019 RERA/AO/194/2019	Sri Shailendra Kumar Singh, S/o Late Suraj Prasad Singh, R/o Laxmi Sadan, Jwala Flat, South Ramna Road, Maharaja College, Arrah (Bhojpur)-802301.
13	RERA/CC/769/2019 RERA/AO/195/2019	Sri Alok Kumar Singh, S/o Sri Vishwa Nath Prasad Singh, R/o Plot No.42, Bari Co- operative Colony, Bokaro Steel City, Bokaro- 827012, Jharkhand. <u>At Present:</u> Flat No.404, Block-C, Jagsuman Apartment, Aryan Nagar, Argora-Kathalmore Road, Pundag, Ranchi-834004, Jharkhand.
14	RERA/CC/770/2019 RERA/AO/196/2019	Sri Amarjeet Kumar Chaudhary, S/o Sri Kapildeo Chaudhary, C/o Vill+Post- Raghunandanpur, Via-Teghra, District- Begusarai, PIN-851133 (Bihar).

15	RERA/CC/771/2019 RERA/AO/197/2019	<p>Sri Dharendra Kumar, S/o Sri Chandra Chur Prasad Singh, Village-Nipania, Post-Barauni, District-Begusarai, PIN-851112, Bihar.</p> <p><u>At Present:</u> Flat No.1105, Block-E, GreenGood Apartment, Gomnti Nagar Extension, Luckcknow.</p>
16	RERA/CC/772/2019 RERA/AO/198/2019	<p>Sri Amit Upadhyay, S/o Late Bachan Upadhyay, R/o Muigutto,Kitadih (Near Masjid), Tata Nagar, Singhbhum East, Jharkhand-831002.</p> <p><u>At Present:</u> Q.No.B-IV/4 Power Grid Township, Karbigahiya, Patna-1.</p>
17	RERA/CC/788/2019 RERA/AO/217/2019	<p>Smt. Vinita Kumari, W/o Sri Sunil Kumar, C/o Sri Mahendra Pratap, Abulas Lane, Machhuatoli, Patna-800004 (Bihar).</p> <p><u>At Present:</u> Flat No.403, Raghu Complex, Opposite of Care Hospital (Kumhrar), Patna-800026.</p>
18	RERA/CC/791/2019 RERA/AO/221/2019	<p>Sri Kameshwar Ram, S/o Late Bishwanath Ram, C/o In Front of Collectorate, Ward No.-18, At+P.O.-Bhabhua, District-Kaimur-821101 (Bihar).</p> <p><u>At Present:</u> 765/400 KV New Ranchi Sub-Station,Vill+P.O.-Garhgaon, Bedo Ranchi-835202 (JH).</p>
19	RERA/CC/796/2019 RERA/AO/222/2019	<p>Ghanshyam Gupta, S/o Sri Pitamber Lal Gupta, C/o 55, Chak Nagar-2, Manjhanpur, District-Kaushambi, U.P.-212207.</p> <p><u>At Present:</u> S/738, Sanskriti, Gate No./4, Eldeco-2, Raebereli Road, Lucknow, U.P., PIN-226025.</p>
20	RERA/CC/797/2019 RERA/AO/223/2019	<p>Sri MukeshwarNath, S/o Sri SawaliYadav, R/o Sector-12A, Quarter No.1595, Bokaro Steel City, District-Bokaro, Jharkhand, PIN-827012.</p> <p><u>At Present:</u> "Shanti Enclave", Flat No.302/B, Ara Garden Road, Jagdeo path, Bailey Road, Patna-800014.</p>
21	RERA/CC/798/2019 RERA/AO/224/2019	<p>Smt. Jygyasa Kumari, W/o Sri Uday Shankar Tiwari, C/o Village+P.O.-Radhaur, Via-Sursand, District-Sitamarhi, PIN-843331 (Bihar).</p>

		<u>At Present:</u> Atandra, P.O.-Ramna, Pokhariya.
22	RERA/CC/799/2019 RERA/AO/225/2019	Md. Nazrul, S/o Late Md. Kamiruddin, R/o Vill-Kusaha, Anchal-Azamnagar, Alampur, kusaha, Katihar, Bihar-855113. <u>At Present:</u> Quarter No.B2/13, Power Grid Township, Karbigahiya, Patna-800001.
23	RERA/CC/800/2019 RERA/AO/226/2019	1. Sri Lala Prasad, S/o Sri Baijnath Prasad, R/o A/306, Vamika Enclave, Murlichak, Jagdeo Path, Patna-800014. 2. Ms.Deeptikanchan, D/o Sri lala Prasad, A/306, Vamika Enclave, Murlichak, Jagdeo Path, Patna-800014.
24	RERA/CC/801/2019 RERA/AO/227/2019	Sri Nishi Kant, S/o Sri Paltan Thakur, r/o At: Mauna-Mahima, P.O.-Goraul, District-Vaishali, PIN-844118. <u>At Present:</u> Quarter no.B2/1, Power Grid township, Karbigahiya, Patna-1.
25	RERA/CC/802/2019 RERA/AO/228/2019	Sri Sunil Kumar, S/o Late MannuKappar, r/o House No.21858, N.T.P.C. Colony, East Ram Krishna Nagar, P.O.-New Jaganpura, Patna-800032.
26	RERA/CC/803/2019 RERA/AO/229/2019	Sri Premchandra Kumar Jayaswal, S/o Sri Bunilal Jayaswal, R/o Near Mill Bahurani, P.O.+P.S-Ramnagar, District-West Champaran, PIN-845106. <u>At Present:</u> Power Grid Township, Flat No.B-II/3, New Karbigahiya, Near Patna Junction, Patna-800001.
27	RERA/CC/804/2019 RERA/AO/230/2019	Sri Sajjan Kumar, S/o Sri Arvind Thakur, r/o Vill+P.O.-Parari, Via-Bahera, District-Darbhanga, Bihar, PIN-847201. <u>At Present:</u> H/o Sri Chandrakant Gupta, H.No.02/195,Suhag Nagar, Post Office Road, Firozabad-283203, (U.P.)
28	RERA/CC/805/2019 RERA/AO/231/2019	Sri Manoj Kumar, S/o Sri Ram Pratap Gupta, C/o 203GorakhNathLilla Apartment, East Boring Canal Road, Gorakhnath Compound, Phulwari, Patna-800001 (Bihar).
29	RERA/CC/806/2019 RERA/AO/232/2019	Ms.Pooja, D/o Uday Kumar Singh, C/o B-606,Vasudeo Enclave, Kankarbagh, Main Road (Opp:Jalanshop), Patna-80020

30	RERA/CC/819/2019 RERA/AO/235/2019	<p>Sri Kuldip Kumar, S/o Late Bijay Ram, C/o Vill+P.O.-Ramgarh, District-Dumka, Jharkhand, PIN-814102.</p> <p><u>At Present:</u> Flat No.B-102, Bjharti Enclave, Chandwey, Kanke, Ranchi, Jharkhand-834008.</p>
31	RERA/CC/820/2019 RERA/AO/236/2019	<p>Smt. Smita Patel, W/o Sri Pappu Singh Patel, C/o Resident at Shakti Nagar Colony, Near Children Academy, East Basharatpur, Goakhpur, Uttar Pradesh.</p> <p><u>At Present:</u> Qtr. No.C-03, Powr Grid Corporation, Gida Sector-23, Sahjanwa-273209, Gorakhpur.</p>
32	RERA/CC/949/2020 RERA/AO/267/2020	<p>Ms. Ankita Kumari, D/o Sri ArunChoudhary, Flt No.77/14,Sector-1, PushpVihar,South Delhi, New Delhi-110017.</p> <p><u>At Preent:</u> Quarter No.C-305, Power Grid Township, Sector-43, Gurgaon-122001.</p>
33	RERA/CC/999/2020 RERA/AO/316/2020	<p>Sri Mukesh Tiwari, S/o Sri Kailash Tiwari, Village-Hasuahan, Post-Govindpur Bazar, District-Champaran (Motihari), Bihar-845411.</p> <p><u>At Present:</u> Quarter No.B3/8, Power Grid Township, Karbigahiya, Patna-1.</p>
34	RERA/CC/1015/2020 RERA/AO/288/2020	<p>Smt. Ratna Pathak, W/o Sri ShambhuSharan Pathak, R/o Housing Board Colony, HIG-II, Sector-7, Barari Bhagalpur, PIN-812001.</p>
35	RERA/CC/1019/2020 RERA/AO/289/2020	<p>Sri Girijesh Kumar, S/o Sri Ram ChandraChaurasia, UrmilaNiwas, Ward No.36, At-Ashokngar (Pokharia), Distt-P.O.+P.S.-Begusarai, PIN-851101.</p> <p><u>At Present:</u> Quarter No.B-111/12, Power Grid Township, Karbighiya, Patna-800001.</p>
36	RERA/CC/1032/2020 RERA/AO/295/2020	<p>Smt. Kumari Nayantara, W/o Chiranjeev Kumar Hansda, NayaTola, Phoolwari, Post & Distt.-Katihar, PIN-854105.</p> <p><u>At Present:</u> Chiranjeev Kumar Hansda, Power Grid Academy of Leadership (RTAMC), Vill-Gwalior, Panchgoan, Post-Panchgaon, Taru Road, Tehsil Manesar, Distt.-Gurugram, Haryana, PIN-122413.</p>

37	RERA/CC/1033/2020 RERA/AO/296/2020	Sri Nirmal Kumar Singh, s/o Sri Kripa Shankar Singh, N-12/306, H-4, Jankinagar Colony, Patiya, Bazardiha, Varanasi (U.P.), PIN-221109.
38	RERA/CC/1034/2020 RERA/AO/297/2020	Sri DevendraNath, S/o Sri Ram Prit Raut, House No.10, Ward No.1, Village-MasahaTole-Jhapaha, Post-KoiriaPipara, P.S.-Parihar, Distt.-Sitamarhi-843324 (Bihar). <u>At Present:</u> Flat No.B3/102, Power Grid Township, Opp:HudaCommunityCentre, Sector-46, Gurgaon-122003 (Haryana).
39	RERA/CC/1039/2020 RERA/AO/299/2020	Smt. AnjuKumari, W/o Sri Aneesh Kumar, Vill+Post-Ghatrain, P.S.-Madanpur, Distt-Aurangabad, Bihar-824208.
40	RERA/CC/1040/2020 RERA/AO/300/2020	Smt. PunamSharma, d/o Late Nawal Kishore Sharma, 204/A, N.T.P.C. Vihar Phase-I, Ashiyana Nagar, Patna-800025. <u>Present Address:</u> C/o K.M. Sharma, BhawaniBhawan, Akhilesh Nagar, Road No.01 (West), Gulzarbagh, Patna, Bihar-800008.
41	RERA/CC/1041/2020 RERA/AO/301/2020	Sri Bhabatram Ghosh, s/o Sri Tarapada Ghosh, 718, Pearabagan, Udayrajpur, Madhyamgram North, 24 Parganas, West Bengal-700129.
42	RERA/CC/1064/2020 RERA/AO/310/2020	Sri Manoj Kumar, S/o Late Ganga Nath Sharma, Ganga Kuteer, Alkapuri, Bhagwanpur, Muzaffarpur, PIN-842001, Bihar.
43	RERA/CC/1111/2020 RERA/AO/322/2020	Sri Dilip Kumar, S/o Late Basu Deo Prasad.H.N. 194/C, Ashok Nagar, Doranda, Ranchi-834002, Jharkhand. <u>At Present:</u> Flat No.C-5/403, Power Welfare Organisation (PWO), Sector-43, Sushant Lok-1, Gurgaon-122002, Haryana.
44	RERA/CC/1144/2020 RERA/AO/330/2020	Sri Rajendra Singh, S/o Late Chandrika Singh, H/No.631/156, Mulayam Nagar, Ismailganj, Lucknow-226028.

45	RERA/CC/1145/2020 RERA/AO/331/2020	Sri Nishant Kumar Mishra, S/o Sri Bidyapati Mishra, R/o Flat No.181, Harmony Apartment, Sector-4, Pocket-1 Dwarka, New Delhi-110078.
46	RERA/CC/1216/2020 RERA/AO/339/2020	Sri Rajnish,S/o Sri Vir Kunwar Singh, R/o School Road, Maripur, Post-Muzaffarpur, Thana-Kazi, Muhammadpur, Muzaffarpur, Bihar-842001. <u>At Present:</u> Power Grid Corporation of India Ltd., 500 MW, HVDC Back to Back Pusauli sub- Station, B-36,Village-Pusauli, Post-Bhitti, PS-Mohania, Distt-Kaimur, Bihar-821109.
47	RERA/CC/1217/2020 RERA/AO/340/2020	Sri Swapnil Bhardwaj, S/o Sri Keshav Kishore Singh, H/o Sri Keshav Kishore Singh, Adarshgram, Road No.3, Near St. Xavier's School, Bairiya, Muzaffarpur- 842003, Bihar. <u>At Present:</u> Flat No.5B, Block-F, Jaishree Green City, Pundag Road, Argora, Ranchi, Jharkhant- 834002.
48	RERA/CC/1234/2020 RERA/AO/347/2020	Sri Rajat Prasad, S/o Late Rajendra Prasad, R/o D-102, Power Grid Township, Sector- 43, Gurgaon-122003.
49	RERA/CC/1253/2020 RERA/AO/353/2020	Sri Yugal Kishor Singh, S/o Sri Jageshwar Singh, R/o Qr. No.L/110-A, Banglow Side, Anara, Distt.-Purulia,West Bengal-723126
50	RERA/CC/1306/2020 RERA/AO/376/2020	Sri Suman Kumar, S/o Anirudh Mandal, R/o BudduchakBarmishya, P.O.+Distt- Katihar, PIN-854105. <u>At Present:</u> Qr. No.B-3/1, 400/220 KV Power Grid, Gaurichak, Patna-Gaya Road, Gaurichak, Patna.
51	RERA/CC/1308/2020 RERA/AO/378/2020	Sri Rajesh Kumar, S/o Sri Shyam NandanSahay, R/o B-204, Puneet Apartments, Vasundhara Enclave, New Delhi-110096. <u>At Present:</u> E-1401, Dhoot Time Residency, Sector-63, Gurgaon, Haryana-122011.
Versus		
1.	M/s Agrani Homes Pvt. Ltd.	Respondents
2.	Through it's Director, Sri Alok Kumar, S/o Sri Padum Singh, Houe 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	
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Present:
Sri Ved Prakash
Adjudicating Officer

Appearance:

For Complainants ... Mr. Kishore Kunal, Advocate
For Respondents ... Sri Alok Kumar, Director

ORDER

13-01-2021

In view of the fact that these 51 complaint cases relate to same project “Power Grid Nagar” of the Promoter/Respondents and allegations are of similar nature, so a composite order is being passed in all these 51 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 mental, economical and physical

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 Respondents with ulterior motive proposed to construct approximately 300 residential flats having super built up area of 1626 sq.fts. (Carpet Area – 1300 sq.fts) along with one reserve car parking space to be allotted to the employees/ex-employees of Power Grid Corporation of India Ltd. as per their choice, in the name and style of various projects like “Power Grid Nagar”, Sarari, Danapur, “Power Grid Nagar” Varanasi and “Power Grid Nagar”, Sampatchak. Various brochures were published by the Respondents and it was assured individually and collectively that delivery of possession of flats shall be made within 3 years with grace period of 6 months and many other amenities were also promised to the consumers including the present complainants. These complainants are Employees/Ex-employees of Power Sector like Power Grid Corporation, N.T.P.C. etc. and they formed a Society in the name of “Power Grid Employees Welfare Housing Society”/Power Welfare Organization having its office at

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Alankar Place, P.O. Boring Road, Patna-800001, Bihar with objective to get constructed a residential complex for its members. On 19-04-2014 the Respondents and Power Grid Employees Welfare Housing Society through its Secretary, Sri Shatrughn Mishra entered into an Agreement (M.O.U.) regarding the Project “Power Grid Nagar”, situated at Sarari, P.S.-Shahpur, Danapur, Patna (Bihar) for construction of 100 residential flats with one reserve car parking space with super built up area of 1626 sq.fts. consisted in two Blocks to be allotted to its members as per their choice. An Agreement for Sale was also executed between each member / employee and the Respondents through the C.M.D., Sri Alok Kumar. It was agreed between both the sides that each member has to purchase a flat on consideration of Rs.9.00 lacs plus applicable Service Tax. As such, as per agreement, each complainant has paid his/her instalments towards consideration amount for purchase of flat.

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4. Details of the payment of instalments made by the complainants to the Respondents may be seen through the chart as under:-

Sl. No.	Complaint Case No.	Name of the Complainant	Total Consideration of the flat Rs.	Date of Advance Payment of Instalment	Amount of Advanced Consideration Rs.
(1)	(2)	(3)	(4)	(5)	(6)
1.	RERA/CC/743/2019 RERA/AO/179/2019	Sri Manoj Kant Sahay	9,00,000.00	30-04-2014 30-04-2015 15-12-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
2.	RERA/CC/744/2019 RERA/AO/180/2019	Sri Nawin Kumar Sinha	9,00,000.00	25-04-2014 10-05-2015 15-11-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
3.	RERA/CC/745/2019 RERA/AO/181/2019	Sri Raj Kumar Singh	9,00,000.00	22-04-2014 30-04-2015 30-12-2015 08-06-2016 Total	3,00,000.00 3,18,540.00 3,10,500.00 (Cash) 378.00 9,29,418.00
4.	RERA/CC/746/2019 RERA/AO/182/2019	Smt. Niru Sinha	9,00,000.00	22-04-2014 10-05-2015 15-12-2015 20-01-2016 19-02-2016 Total	3,00,000.00 3,18,540.00 2,00,000.00 1,10,500.00 (Cash) 375.00 9,29,415.00
5.	RERA/CC/747/2019 RERA/AO/183/2019	Sri Saumya Singh	9,00,000.00	30-04-2014 30-04-2015 Total	3,00,000.00 6,27,810.00 9,27,810.00
6.	RERA/CC/748/2019 RERA/AO/184/2019	Smt. Swati Singh	9,00,000.00	16-04-2014 29-04-2015 12-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
7.	RERA/CC/749/2019 RERA/AO/185/2019	Ms. Kumari Smita	9,00,000.00	19-04-2014 10-05-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
8.	RERA/CC/764/2019 RERA/AO/190/2019	Smt. Saroj Bala	9,00,000.00	25-04-2014 10-05-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
9.	RERA/CC/765/2019 RERA/AO/191/2019	Sri Hansraj Prasad	9,00,000.00	21-11-2012 22-01-2014 22-01-2014 27-02-2017 Total	2,00,000.00 1,50,000.00 2,36,582.00 5,54,895.00 11,41,477.00
10.	RERA/CC/766/2019 RERA/AO/192/2019	Sri Amit Kumar	9,00,000.00	31-12-2012 24-06-2013 27-02-2017 27-02-2017 Total	2,92,001.00 1,50,000.00 7,00,000.00 (Cash) 1,453.00 11,43,454.00
11.	RERA/CC/767/2019 RERA/AO/193/2019	Sri Bipul Kumar	9,00,000.00	21-07-2014 30-04-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
12.	RERA/CC/768/2019 RERA/AO/194/2019	Sri Shailendra Kumar Singh	9,00,000.00	30-04-2014 31-05-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
13.	RERA/CC/769/2019 RERA/AO/195/2019	Sri Alok Kumar Singh	9,00,000.00	30-04-2014 30-04-2015 Total	3,00,000.00 6,27,810.00 9,27,810.00

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14.	RERA/CC/770/2019 RERA/AO/196/2019	Amar Jeet Singh	9,00,000.00	30-04-2014 30-04-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
15.	RERA/CC/771/2019 RERA/AO/197/2019	Dhirendra Kumar	No Proof / Document filed on record	19-04-2014 30-04-2014 15-12-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
16.	RERA/CC/772/2019 RERA/AO/198/2019	Sri Amit Upadhyay	9,00,000.00	02-04-2013 30-04-2014 18-01-2016 Total	4,61,399.00 3,00,000.00 1,52,942.00 9,28,599.00
17.	RERA/CC/788/2019 RERA/AO/217/2019	Smt. Vinita Kumari	9,00,000.00	19-04-2014 10-05-2-15 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
18.	RERA/CC/791/2019 RERA/AO/221/2019	Sri Kameshwar Ram	9,00,000.00	30-04-2014 10-05-2015 Total	3,00,000.00 6,27,810.00 9,27,810.00
19.	RERA/CC/796/2019 RERA/AO/222/2019	Sri Ghanshyam Gupta	9,00,000.00	30-04-2014 31-05-2015 15-12-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
20.	RERA/CC/797/2019 RERA/AO/223/2019	Mukeshwar Nath	9,00,000.00	30-04-2014 31-07-2015 16-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
21.	RERA/CC/798/2019 RERA/AO/224/2019	Smt. Jigyasa Kumari	9,00,000.00	19-04-2014 30-04-2015 15-12-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
22.	RERA/CC/799/2019 RERA/AO/225/2019	Md. Nazrul	9,00,000.00	30-04-2014 30-04-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
23.	RERA/CC/800/2019 RERA/AO/226/2019	1. Sri Lala Prasad. 2. Smt. Deepti Kanchan	9,00,000.00	30-04-2014 10-05-2015 12-02-2016 Total	3,00,000.00 3,18,540.00 3,10,875.00 9,29,415.00
24.	RERA/CC/801/2019 RERA/AO/227/2019	Sri Nishikant	9,00,000.00	30-04-2014 30-04-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
25.	RERA/CC/802/2019 RERA/AO/228/2019	Sri Sunil Kumar	9,00,000.00	30-04-2015	9,27,810.00
26.	RERA/CC/803/2019 RERA/AO/229/2019	Sri Premchandra Kumar Jayaswal	9,00,000.00	06-05-2014 27-01-2016 Total	3,00,000.00 6,00,000.00 9,00,000.00
27.	RERA/CC/804/2019 RERA/AO/230/2019	Sri Sajjan Kumar	9,00,000.00	30-04-2014 30-04-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
28.	RERA/CC/805/2019 RERA/AO/231/2019	Sri Manoj Kumar	9,00,000.00	19-04-2014 10-05-2015 05-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
29.	RERA/CC/806/2019 RERA/AO/232/2019	Ms. Pooja	9,00,000.00	25-04-2014 31-05-2015 25-01-2016 Total	3,00,000.00 3,18,540.00 3,10,875.00 9,29,415.00

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30.	RERA/CC/819/2019 RERA/AO/235/2019	Sri Kuldeep Kumar	9,00,000.00	30-04-2014 10-05-2015 03-03-2016 03-03-2016 Total	3,00,000.00 3,18,540.00 3,10,500.00 <u>375.00</u> 9,29,415.00
31.	RERA/CC/820/2019 RERA/AO/236/2019	Smt. Smita Patel	9,00,000.00	08-05-2014 15-05-2015 01-11-2015 26-11-2015 Total	3,00,000.00 3,18,540.00 <u>3,10,500.00</u> \ 9,29,040.00
32.	RERA/CC/949/2020 RERA/AO/267/2020	Smt. Ankita Kumari	9,00,000.00	11-06-2015 31-07-2015 15-10-2015 05-05-2016 Total	3,00,000.00 3,18,540.00 3,10,500 <u>1,268.00</u> 9,30,308.00
33.	RERA/CC/999/2020 RERA/AO/316/2020	Sri Mukesh Tiwari	9,00,000.00	06-01-2015 25-01-2016 Total	3,00,000.00 <u>3,10,500.00</u> 6,10,500.00
34.	RERA/CC/1015/2020 RERA/AO/288/2020	Smt. Ratna Pathak	9,00,000.00	30-04-2014 30-05-2015 20-01-2016 Total	3,00,000.00 6,00,000.00 <u>32,625.00</u> 9,32,625.00
35.	RERA/CC/1019/2020 RERA/AO/289/2020	Sri Girijesh Kumar	9,00,000.00	30-04-2014 30-04-2015 Total	3,00,000.00 <u>6,27,810.00</u> 9,27,810.00
36.	RERA/CC/1032/2020 RERA/AO/295/2020	Ms. Kumari Nayantara	9,00,000.00	30-04-2014 10-05-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 <u>3,10,500.00</u> 9,29,040.00
37.	RERA/CC/1033/2020 RERA/AO/296/2020	Sri Nirmal Kumar Singh	9,00,000.00	30-04-2014 (Cheque date not available) 15-12-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
38.	RERA/CC/1034/2020 RERA/AO297//2020	Sri Devendra Nath	9,00,000.00	13-10-2014 10-05-2015 15-10-2015 Total	5,00,000.00 1,18,540.00 <u>3,10,500.00</u> 9,29,040.00
39.	RERA/CC/1039/2020 RERA/AO/299/2020	Smt. Anju Kumari	9,00,000.00	30-04-2014 30-04-2015 Total	3,00,000.00 <u>6,27,810.00</u> 9,27,810.00
40.	RERA/CC/1040/2020 RERA/AO/300/2020	Smt. Punam Sharma	9,00,000.00	30-04-2014 31-05-2015 15-12-2015 30-12-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 <u>(Cash)1,643.00</u> 9,30,683.00
41.	RERA/CC/1041/2020 RERA/AO/301/2020	Sri Bhabataram Ghosh	9,00,000.00	30-04-2014 30-04-2015 Total	3,00,000.00 <u>6,27,810.00</u> 9,27,810.00
42.	RERA/CC/1064/2020 RERA/AO/310/2020	Sri Manoj Kumar	9,00,000.00	30-04-2014 20-04-2015 Total	3,00,000.00 <u>6,27,810.00</u> 9,27,810.00
43.	RERA/CC/1111/2020 RERA/AO/322/2020	Sri Dilip Kumar	9,00,000.00	30-04-2014 31-04-2015 Total	3,00,000.00 <u>6,27,810.00</u> 9,27,810.00
44.	RERA/CC/1144/2020 RERA/AO/330/2020	Sri Rajendra Singh	9,00,000.00	30-04-2014 30-04-2015 14-12-2015 04-02-2016 Total	3,00,000.00 3,00,000.00 3,27,810.00 <u>(Cash)1,556.00</u> 9,29,366.00

45.	RERA/CC/1145/2020 RERA/AO/331/2019	Sri Nishant Kumar Mishra	9,00,000.00	08-07-2014 10-05-2015 15-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
46.	RERA/CC/1216/2020 RERA/AO/339/2020	Sri Rajnish	9,00,000.00	30-04-2014 10-05-2015 01-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
47.	RERA/CC/1217/2020 RERA/AO/340/2020	Sri Swapnil Bhardwaj	9,00,000.00	30-04-2014 30-04-2015 Total	3,00,000.00 6,27,810.00 9,27,810.00
48.	RERA/CC/1234/2020 RERA/AO/347/2020	Sri Rajat Prasad	9,00,000.00	30-04-2014 10-05-2015 16-10-2015 Total	3,00,000.00 3,18,540.00 3,10,500.00 9,29,040.00
49.	RERA/CC/1253/2020 RERA/AO/353/2020	Sri Yugal Kishore Singh	9,00,000.00	17-04-2014 04-08-2015 02-11-2015 06-05-2016 Total	3,00,000.00 3,00,000.00 3,00,000.00 30,343.00 9,30,343.00
50.	RERA/CC/1306/2020 RERA/AO/376/2020	Sri Suman Kumar	9,00,000.00	30-04-2014 29-04-2015 15-12-2015 02-03-2016 Total	3,00,000.00 3,18,540.00 3,10,500.00 (Cash) 375.00 9,29,415.00
51.	RERA/CC/1308/2020 RERA/AO/378/2020	Sri Rajesh Kumar	9,00,000.00	25-04-2014 10-05-2015 31-07-2015 29-12-2016 Total	3,00,000.00 3,18,540.00 3,09,270.00 (Cash)1,231.00 9,29,041.00

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5. The Respondents did not complete the above project within the prescribed time of 3 years and grace period of 6 months from the date of execution of Agreement for Sale, due to which each vendee/buyer, as per Agreement for Sale, has become entitled to get refunded his/her deposited amount along with accrued interest thereon on Bank rate from the Respondents. In spite of assurance, the Respondents failed to deliver possession of the flat to the complainants and also failed to refund the advanced consideration money to them. So, the complainants have filed these complaint cases against the Respondents with above reliefs.

6. The Respondents after appearance have filed replies pleading *inter-alia* that they are ready to refund the principal amount of each and every complainant on cancellation of their allotment of 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.

7. On basis of the pleadings and submissions of the learned lawyer for complainant and Respondent No.2, Sri Alok Kumar, the following points may be formulated to adjudicate the case:-

(1) Whether the complainants are entitled for refund of their advanced principal amount along with accrued interest @ 18% per annum there on against the Respondents?

(2) Whether each complainant is entitled for compensation of Rs.10.00 lacs against the Respondents for his/her mental, economical and physical harassment?

(3) Whether each and every complainant is entitled for litigation cost of Rs.1.00 lac against the Respondents?

Point No.(1):

8. Admittedly, the complainants have constituted a society consisting of friends/employees/ex-employees of power sector like Power Grid Corporation, N.T.P.C. etc. in the name and style of

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“Power Grid Employees Welfare Society”/Power Welfare Organization having its office at Alankar Place, P.O. Boring Road, Patna-800001 (Bihar) with the objective to get constructed a residential complex for its members. It is also admitted case that on 19-04-2014 the General Secretary of the Society, Sri Shatrughna Mishra entered into a M.O.U. with the Respondents through Respondent No.2, Sri Alok Kumar, C.M.D. of Respondent No.1, M/s Agrani Homes Pvt. Ltd to construct 100 flats having super built up area 1626 sq.fts. (carpet area 1300 sq.ft) with one reserve car parking space consisted in two Blocks on consideration of Rs.9.00 lacs plus applicable Service Taxes on each flat, which have to be allotted to its members. It was further agreed that each and every member shall purchase the flat on payment of the above consideration in instalments to the Respondents. Each complainant has also executed Agreement for Sale with the Respondents through its Director, Sri Alok Kumar for sale/purchase of flat in the project “Power Grid Nagar”, Sarari, Danapur, Patna. It was also agreed between the parties in para-9 of Agreement for Sale that construction of said building shall be completed within 3 years with a grace period of 6 months from the date of Agreement for Sale, provided that 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 flats to the buyers / vendees on the above account or on any reasonable cause, the buyers/vendees may not be entitled to any damage, whatsoever, but shall be entitled to receive back the entire money paid by him/her 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 unit within stipulated period and buyer/vendee wanted to get his/her money back, then the builder/vendor shall return the payments made by the buyer/vendee along with prevailing Bank interest to the buyer/vendee or if the buyer/vendee wanted to get the scheduled flat, the builder/vendor shall pay prevailing Bank interest on total payments made to the vendor/developer over the delayed period (subject to para-9) to the buyer/vendee.

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As per 1st proviso of Section-3 of the Act, 2016, the Respondents should have filed Completion Certificate for showing that the project Power Grid Nagar 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. During continuance of Agreement either the Respondents should have completed the project and handed-over possession to the complainants within stipulated time or should have refunded

their principal amount along with interest thereon at Bank 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. It is correct that the Agreements for Sale between both the parties were executed on 19-04-2014 and time for delivery of possession was given within 3 years with grace period of 6 months, which has expired on 19-10-2017, so the buyers/complainants cannot wait indefinite period for delivery of possession of their flats. It also shows that when the Respondents have become unable to construct the project, then either Suo Moto or On Demand they should have refunded the amounts to complainants as stated above. However, as per proviso of Section-12 and Section 18(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 Bank interest thereon, as per Agreement for Sale, to each and every complainant.

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9. The complainants have claimed interest @ 18% per annum on the advanced principal amount paid to the Respondents. But, the Respondent No.2 submitted that the Respondents are also making constructions of other projects 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, in which the interest of other buyers is involved and 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 agreed between the parties in each Agreement for Sale 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 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/her 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. Accordingly, Point

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No.1 is decided in positive in favour of the complainants and against the Respondents.

Point No.(2):

10. Each complainant has also claimed compensation of Rs.10.00 lacs for his/her mental, economical and physical harassment. 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.4,59,00,000/- and still the said amount is lying with the Respondents and they are using the same in their business. Presently, the Respondents are avoiding delivery of flats/refund of advanced principal amount to the complainants. The complainants cannot wait for 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 available to each and every complainant in the same locality at the same price, which was available to him/her in the year 2014. Hence, naturally the price of flats would have been multiplied. Most of the complainants have paid approximately more than Rs.9,00,000/- plus Service Tax to the Respondents, which is 100% of the total consideration. The Respondents are running

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their 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, I think, except complainants, Sri Hansraj Prasad, Amit Kumar and Sri Mukesh Tiwari, Rs.1,50,000/-, which is about 17% of the advanced principal amount Rs.9,00,000/-, will be appropriate amount as compensation to each complainant for their physical, economical and mental harassment. The complainant, Mukesh Tiwari has to be paid Rs.75,000/- and Sri Hans Raj Prasad and Sri Amit Kumar may be paid Rs.1,87,000/- each as compensation for their physical, economical and mental harassment. Accordingly, Point No.2 is decided in positive in favour of the complainants and against the Respondents.

Point No.(3):

11. The complainants have visited repeatedly to the office of the Respondents and consulted them as well as their staffs for refund of their advanced principal amounts, 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, executing documents in the A.O. Court of RERA, Bihar, depositing Court Fee, engaging learned lawyer and in all these processes, they would have incurred not less than Rs.25,000/-, which must be paid by the Respondents. Accordingly, I find and hold that each and every complainant is entitled for litigation cost of Rs.25,000/- against the Respondents. Accordingly, Point No.3 is decided in positive in favour of the complainants and against the Respondents.

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Therefore, all the 51 complainant cases of the complainants named above are allowed on contest with litigation cost of Rs.25,000/- (Rupees twenty five 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.1,50,000/- (Rupees one lac fifty thousand only) to each complainant, except complainants Sri Hans Raj Prasad, Sri Amit Kumar and Sri Mukesh Tiwari for their mental, economical and physical harassment.

The Respondents are further directed to pay Rs.75,000/- (Rupees seventy five thousand only) to Sri Mukesh Tiwari and Rs.1,87,000/- (Rupees one lac eighty seven thousand only) each to Sri Hans Raj Prasad and Sri Amit Kumar for their mental, economical and physical 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.

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CONTINUED

Sd/-
(Ved Prakash)
Adjudicating Officer
13-01-2021