

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mr. Naveen Verma, Chairman

Complaint Case Nos. CC/549/2019

KapilDeo Pandey & ors.....Complainants

Vs

M/s Agrani Homes Pvt. Ltd. & Anr.....Respondents

Project: Agrani Galaxy

24/05/2022

13/06/2022

ORDER

In this matter, 15 complainants, namely, 1. Kapil Deo Pandey, 2. Sunil Kumar Sharma, 3. Akhauri Janardan Prasad, 4. Monika Jha, 5. Anurag Kumar, 6. Brij Kishore Prasad Yadav, 7. Mritunjay Kumar, 8. Sameer Kumar Ranjan, 9. Nitesh Kumar, 10. Rup Narayan Rabidas, 11. Vivekanand Chaudhary, 12. Sheo Kishore Prasad, 13. Shankar Kumar Singh, 14. Malti Devi and 15. Mahesh Kumar Sinha have filed a complaint petition against the respondent M/s Agrani Homes Pvt. Ltd. praying for providing the common amenities like two lifts, two generator sets for each block, glazing tiles, connecting road, proper drainage system, lighting and proper painting of boundary wall.

The complainants entered into Agreements for Sale of residential flats with basic and essential amenities. The complainants stated in their petition that the respondent has executed agreement for sale and absolute sale deeds in favor of the complainants. It is further stated that the essential amenities as promised at the time of booking were not provided to the complainants, so, they with other allottees have come together for claim of lack of amenities in two blocks, such as non-availabilities of lift, generator set, flooring, approach road to the main road etc., but all goes in vein.

On perusal of record, the complainants have filed agreement for sale dated 28-01-2012 executed between Mr. Kapil Deo Pandey and the respondent for flat no. 101, Block B, Absolute Sale Deed dated 10-04-2018 executed between Mr. Kapil Deo Pandey and the respondent, PAN and Aadhar card of Kapil Deo Pandey, Voter I-card of Ajay Kumar Singh, photographs, registration certificate of

the project of RERA, Bihar, Application for the registration of the project filed before RERA, Bihar.

During the course of hearing, the learned counsel for the complainants reiterated the prayer of their petition.

The respondent has filed a reply stating therein that the project is completed, only some finishing works along with installation of two lifts are yet to be done. It is further stated that possession has already been given to the complainants. Only a few allottees are not able to get their conveyance deed registered due to the embargo imposed. These allottees are not making payment of their due amount due to general restrictions imposed in the batch cases on 10.2.2021.

The L.R. of respondent accepted that some finishing work is still pending but around Rs. 20 lakh to Rs. 25 lakh is due on the complainants.

The learned counsel for the complainants refuted the submission of the L.R. of respondent and submitted that no outstanding due is on the complainants.

The L.R. of the respondent submitted that the respondent is in need of the money for completing the project. Therefore, they prayed to grant permission to execute the absolute sale deed in favor of leftover allottees and direct them to pay their due amount. He also prayed for some time to finish the left out work of the project.

The Bench directs the respondent to submit the list of allottees whose execution of sale deed is pending and upon receiving the list, the office is directed to inform the District Sub-Registrar that the general ban on registration is relaxed to that extent.

The Bench observes that the main issue of consideration is for providing the common amenities but till date works in the common area have not been done by the respondent as alleged in the petition.

The Bench notes that the respondent has not filed the list of complainants who have not paid the total consideration amount as directed in the hearing dated 25/04/2022.

The obligation and duties of the promoter and the allottees have been clearly laid down in the Real Estate (Regulation and

Development) Act, 2016 and both sides are expected to fulfil these. The Act and Bihar RERA Rules, 2017 provide for action that can be taken in cases of default.

In the light of submissions made by both the parties and after the perusal of documents filed, the Bench observes that the respondent has to complete all the work of the common areas and provide all the facilities and amenities of the common areas which can be used by all the allottees of the building as these facilities. The allottees who have not paid the entire consideration amount are also directed to clear their dues.

The Bench directs the respondent company to complete all the work and provide all the amenities as mentioned in the agreement for sale and brochure of the project within four months from the date of this order. If the respondent fails to complete the pending work in 4 months, then a penalty of Rs.1,000/- for each day of delay would be imposed.

With the above observations/ directions, the case is disposed of.

Sd/-

**Naveen Verma
Chairman**