

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mr Naveen Verma, Chairman

Execution Case No. 34/2019, RERA/CC/78/2018

Shyam Kumar Agrawal.....Complainant

Vs

M/s Agrani Homes Pvt Ltd.....Respondent

Present: For Complainants: In person
For Respondent : MrAlok Kumar, MD

22/10/2021

26/10/2021

ORDER

Hearing taken up. The complainant Shyam Kumar Aggarwal is present. MrAlok Kumar, MD of the respondent company is also present.

Mr Alok Kumar, MD of the respondent company submits that demand draft of Rs 5 lakh is being deposited today in RERA Office for payment of Rs One lakh each to the five complainants and the remaining interest will be paid to the complainants within 30 days. Calculation chart will be supplied to the complainants.

However, the respondent later submitted a demand draft having draft No. 651035 dated 22.10.2021, of Rs.5,00,000/- in RERA office Patna, Bihar, for making part payment for Execution orders under the headings of Interest.

The Bench directed both the parties to submit calculation chart.

The Bench directed the complainant to collect Rs.1 lakh (One Lakh) each from RERA office Patna Bihar and submit the account details for payment through NEFT and in case the complainant wants payment through cheque she may contact Mr Shashi Bhushan Prasad Sinha in the account section in RERA.

The Bench directed the respondent to file reply of notice issued on 20/7/21 to him under section 40 of the RERA Act, and a written statement on affidavit as to when the remaining interest will be paid to the complainants.

The Bench is constrained to observe that hundreds of cases are pending against the same promoter wherein total principal amount due is more than Rupees 100 (one hundred) crore and in number of cases not a single rupee has been given to complainants.

The Bench took note that in past Full bench has passed order considering the large number of cases against the same promoter that the Authority will release a sum of Rs 5 lakh or 50 percent of the deposit, whichever is lower, to the complainants on first come first serve basis, based on the date of filing of their complaint with the Authority in order to have a sense of equity.

The Bench also observes that there are many cases pending against the present respondent where complainants are senior citizen, ex-servicemen, widows and many suffering from cancer and other health ailment who have put their life savings and have not got any relief as yet.

The Bench notes that in the present case complainant have already got principal amount of Rs.15,52,500/- and they are claiming interest in terms of Orders passed by the Authority. While agreeing with the merits of the claim of the complainant to get the entire amount of interest as ordered by the by the Authority, it needs to be balanced with the other allottees who have not got a single rupee. The complainant would undoubtedly get interest on the due amount and interest will go on accumulating till their entire dues are cleared as per the direction of the Authority.

The Bench take note of the submission that the remaining amount will be paid by the respondent as soon as the resources are arranged by selling the lands. The complainant is at liberty to mention this before the Authority if the amount is not received within a reasonable period.

With these observations/ direction hearing on the matter is deferred. List the matter again after six months.

Sd/-
Naveen Verma
Chairman