

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman,
Mr. R.B. Sinha & Mr. Nupur Banerjee, Members**

Case No. RERA/PRO/REG.518/2018

Authorized Representative of RERA

v.

M/s Agrani Homes Pvt. Ltd.

Project – Galaxy (C & D)

25.08.2021

01.12.2021

Order

1. Real Estate Regulatory Authority, Bihar issued a show-cause notice to M/s Agrani Homes Pvt Ltd. through their Director, Mr. Alok Kumar on 11.06.2021 as to why the application for registration of the Project **Galaxy (C & D)**(Application No.- **RERAP2311201700011-12**), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, under Section 5 (1) (b) of Real Estate (Regulation & Development) Act, 2016 should not be rejected. The ground for rejection were that the applicant did not furnish duly approved map, building permit letter, non-encumbrance certificate of some plots, earmarked bank account in the name of project, cash flow statement and properly filled Form B despite reminders having been issued and hence the promoter did not fulfil the requirements of submission of information/documents as stipulated under the Section 4 of the Real Estate (Regulation and Development) Act 2016 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules 2017.
2. Hearing was taken up on 17.06.2021 through video conferencing mode. Mr. Sanjay Singh, learned counsel appeared on behalf of the promoter along with Mr. Alok Kumar, Director of the respondent company appeared in the case.

3. In the course of hearing, the promoter submitted that he wanted to continue with the project and was willing to submit requisite documents.
4. The Full Bench, therefore, ordered that the respondent should submit the documents within three weeks from the date of hearing.
5. The promoter, however, failed to submit the requisite documents within stipulated period, after which another notice was served to him on 29/7/2021 for appearing before the Authority on 03/08/2021. However, due to unavailability of one of the members of the Authority on the said date, the said hearing was deferred to 9/8/2021 and a notice in this regard was sent to the promoter on 2/8/2021 stating that all land documents had been submitted to the Authority and hence the respondent was unable to get map approved.
6. The promoter, however, did not appear on the date of hearing citing health reasons. Taking note of the health issue, the Authority again fixed 12/8/2021 for next date of hearing of the case and also decided that no further time would be allowed. The promoter was informed about the date of hearing of the case on 10/8/2021.
7. The promoter, again did not appear on 12/8/2021 and hence Ex Parte Order is being passed in this case.
8. The Authority took note of the fact that the promoter has not submitted the requisite documents, despite repeated reminders and also of the admission of the promoter that the building plan/map of the project has not been approved by the competent authority. In so far as the issue of land documents lying with the RERA is concerned, the Authority observed that this was done to protect the interest of the allottees as the promoter was neither making the refunds nor was completing the construction of apartments of hundreds of their consumers/allottees who had filed cases before it. The Authority is of the view that the financial status of the company and its track record does not instill confidence in the ability of the promoter to complete the construction of the project and that it would be unfair to prospective customers if such a project is registered by it.
9. The application for registration of **Galaxy (C & D)** project, therefore, stands rejected as the promoter has failed to submit the requisite documents with the Authority as stipulated by Section 4 of the Real Estate (Regulation &

Development) Act, 2016 and Rule 3 of the Bihar Real Estate (Regulation & Development) Rules, 2017.

10. The promoter is also directed to refund the money, taken from consumers/allottees along with the interest at the Marginal Cost of Lending Rate (MCLR) of the State Bank of India (SBI) as applicable for three years or more plus two percent from the date of deposit to the date of refund, within sixty days of issue of the order.

**Sd/-
R.B. Sinha
Member**

**Sd/-
Naveen Verma
Chairman**

**Sd/-
Nupur Banerjee
Member**

As amended on 01.12.2021.