REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before Bench of Mr. R.B. Sinha & Mr.Nupur Banerjee, Member

Case No. RERA/PRO/REG.369/2018

Authorized Representative of RERA
Vs.
M/s Agrani Homes Pvt. Ltd.

Project – IOB (K & L)

02/09/2021

23/11/2021

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 **IOB (K & L)**, filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The ground for rejection were that the applicant did not furnish duly approved map from the competent authority, building permit approval letter, land related documents including sale deed, non-encumbrance certificate, mutation letter, rent receipt, Form B etc 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 29/8/2021 for appearing before the Authority on 02/09/2021. Meanwhile, the promoter sent an email to the Authority on 31/8/2021 stating that all land documents had been submitted to the Authority and hence the respondent was unable to get map approved.
6. The promoter appeared on 02.09.2021 before the Bench. In course of hearing, Mr Alok Kumar, the Director of the Respondent Company reiterated his statement sent by email that the Authority had seized the original registered development agreements of all the projects and hence he was not able to get approval of the building Plan/MAP of the project. The Authority counsel rebutted the claim and pointed out that the promoter had been reminded many times for furnishing the aforesaid documents required under the Act/Rules. The Authority counsel also quoted from the minutes of the proceedings of the Full Bench of the Authority dated 18th February 2021 that the respondent company had submitted registered development agreements of the Projects on 15-18th February 2021 for obtaining the security/advance/nun money from the land-owners so that deposits/advance of the hundreds of customers/allottees could be refunded. The Authority counsel therefore claimed that the promoter had considerable period (July 2018- February 2021) to submit the requisite documents and have therefore failed to fulfil the requirements 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 for getting the project registered with the Authority.
7. 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 had collected huge advances from the allottees amounting to hundreds of crores in the last ten years and 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.

8. The application for registration of **IOB (K & L)** 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.

9. 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.
Nupur Banerjee
(Member)

As amended on 23/11/2021.

23/11/2021

24/11/2021