

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

Before the Bench of Mr. R.B. Sinha, Member.

**Case No. CC/734/2019; CC/1543/2020 & CC/1733/2020**

Sharmila Devi/ Seema Singh/ Ram Bhagwan Singh .....Complainants

Vs

M/s Amina Construction Pvt. Ltd.....Respondent

Present: For Complainants: Mr. Nagendra Kumar, Husband (Complainant No.1)  
Mr. Jai Ram Singh, Advocate (Complainant No. 2)  
Mr. Ram Bhagwan Singh (In person- Complainant No. 3)  
For Respondent: Mr. Vijay Kr. Sinha, Advocate

**01/03/2021**

**INTERIM ORDER**

Hearing taken up through video conferencing. Mr. Nagendra Kumar, husband of complainant no. 1; Mr. Jai Ram Singh, learned counsel of the complainant no. 2 and Mr. Ram Bhagwan Singh (complainant no. 3 - in person) are present. Mr. Vijay Kr. Sinha, respondent counsel is also present.

Nagendra Kr. submits that he had paid the complete amount to the builder in the year 2011 and the flat is not ready as of yet. Mr. Jai Ram Singh, counsel for Complainant no. 2 submits that the respondent counsel had not communicated with either complainant or the counsel himself. The Respondent Counsel also didn't furnish the list of allottees in the project, sought by the Bench on the last date of hearing.

The Respondent counsel didn't give any cogent and satisfactory response regarding his site inspection for which he had taken adjournment for more than a week on the last date of hearing. The Bench expressed its disgust and displeasure over the conduct of the Respondent Company as he appeared to have executed more agreements for sale than his own share in the project. The Promoter has also neither appeared nor given satisfactory response for the inordinate delay in completion of the Project. The Bench directs the respondent counsel to receive all the copies of order and further directs to submit the said inspection report on the next date of hearing.

It is observed in the due course of hearing that the respondent counsel was not prepared for the case, he is not complying with the orders of the Bench even after repeated directions and has not done any constructive work as of yet. It is also observed

by the Bench, that the Project “Sudha Complex” was an ongoing project as on 1st May 2017, the day on which the provisions of Real Estate (Regulation and Development) Act 2016 came into operation. It is therefore established that the promoter has violated the Section 3 of the Real Estate (Regulation and Development) Act, 2016. In spite of repeated directions, the promoter has not applied for registration of his project with the Authority.

It is also observed that the Director of M/s Amina Construction Pvt. Ltd. owns other company i.e. M/s Shebha Welcon Builder Pvt. Ltd. Cases against M/s Shebha Welcon Builder Pvt. Ltd. (CC/46/2018; CC/274/2019; CC/1384/2020; CC/1385/2020) are also pending before this Bench and the conduct of the Respondent is same in the aforesaid mentioned cases.

In view of the aforesaid facts and keeping in view the approach, conduct and continued construction work of the respondent company without registration of the Projects with the Authority, the Authority deems it proper and necessary to issue of interim order under Section 36 to be read along with Section 34 (f) & Section 37 of the Real Estate (Regulation & Development) Act, 2016.

It is therefore, directed that until further order, all bank accounts of **M/s Amina Construction Pvt. Ltd.** and their two directors **(i) Amina Rashid (Director) (DIN No:- 01335926), (ii) Md. Khalid Rashid (Managing Director) (DIN No:- 02090642)**; shall be frozen with immediate effect and IG Registration is also requested to issue necessary directions to all DSRs/Sub-Registrars, including Patna/Phulwarisharif/Danapur not to register any apartment/plot of project “**Sudha Complex**” and any other project of **M/s Amina Construction Pvt. Ltd.** till further order.

Registrar of Companies (ROC), Patna is requested to provide necessary detail like PAN, Bank Account, DIN and Aadhaar details of the respondent companies and their directors within two weeks, so that the Authority may take necessary action against the respondent company. **(M/s Amina Construction Pvt. Ltd.: CIN-U45200BR2006PTC012654)**

Let a copy of this order be forwarded to concerned State Level Bankers Committee, LHO, Gandhi Maidan, Patna, for taking necessary action.

Let this order be communicated to the following:

(1) Md. Khalid Rashid, 102, Jagat Trade Centre, Frazer Road, P.S Kotwali, Patna, Bihar- 800001, Mob No. 9162320936, Email: skpatdsc@gmail.com.

(2) Md. Khalid Rashid, 102, GMK Apartment, Near Paras Hospital, Road No. 01, Samanpura, Raja Bazar, Rukunpura, P.O. B.V.College, Patna, Bihar- 800014 Mob. No. 9162320936, Email: skpatdsc@gmail.com.

IT Consultant has been directed to upload a copy of this order on the Authority's website.

Let the next date of hearing be fixed on 07/04/2021

**Put up on 07/04/2021 for hearing.**

**R.B. Sinha,  
Member**