

REAL ESTATE REGULATORY AUTHORITY, BIHAR, PATNA

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

Case No. CC/262/2019; CC/339/2019; CC/340/2019; CC/347/2019

Devanti Devi/ Jeetendra Kumar/ Manoj Kumar/ Shakuntala
Devi.....Complainants

Vs

M/s Galaxia Township and Housing Pvt. Ltd.....Respondent

Present: For Complainants: In persons
Ramesh Gupta (Devanti Devi)
Adv. Punit Kumar (Jeetendra Kumar/
Manoj Kumar/ Shakuntala Devi)
For Respondent: Adv. Rajeev Mishra (Jitendra Tiwari)
Adv. Sanjay Kr. Ghosarvey
(Paritosh Chaturvedi and Ashutosh
Chartuvedi, Landowners)

08/04/2021

INTERIM ORDER THROUGH VIDEO CONFERENCING

Hearing taken up through video conferencing. Complainants are present in persons. Adv. Rajeev Mishra is present on behalf of respondent no. 1 Jitendra Tiwari and Adv. Sanjay Kr. Ghosarvey on behalf of the landowners Paritosh Chaturvedi and Ashutosh Chartuvedi, respondent no. 2 and respondent no. 3 respectively.

Ramesh Gupta on behalf of Devanti Devi submits that on 24/10/2017 she paid approximately Rs. 6,00,000/- including registration and agreement to the respondent company but till now neither the possession of the plot of land has been handed over nor the refund has been paid. He further prays for refund of money along with interest at the rate of 10% per annum.

Adv. Rajiv Mishra submits that as per the last direction, the Landowner was supposed to be present personally but the landowner has not complied with the last order of the Hon'ble Bench. He further submits that submission made by Ramesh Gupta is true but there was an agreement of respondent company with the landowner in this respect and all facts are being pointed out. He further submits that the permission for land registration was done by Mr. Ashutosh

Chaturvedi, as attorney of the respondent company but these facts have not been disclosed before the Bench. He further submits that the permission was denied by the landowner after the deed of revocation was signed by the parties on 17/09/2018. He further submits that both the complainant and landowner are trying to mislead the court and complaint case has been filed to harass the Mr. Jitendra Tiwari, Director of the Respondent Company.

Counsel for the Landowner submits that pursuant to the order of this Hon'ble court, the order was communicated by the counsel of the respondent no. 1 at 12 hours in the midnight that meeting has to be done on 17th but on the back page, it was written 15/10. He further submits that on reaching the address that was given by the counsel of respondent, the house owner said that there was no meeting scheduled to take place. He further submits that he has filed petition regarding the same on 15th January 2021. He further submits that before the meeting, he asked the respondent to bring all the relevant documents with regards to all the complainants but the respondent didn't bring any documents or money receipt relating to the purchasers/complainants. Therefore there was no result of the meeting.

The Bench expressed displeasure over the conduct of both the parties as they are playing hide and seek at the cost of the complainants. The Bench directs both landowner and respondent company to talk to their clients for ensuring refund of the money to the allottees.

Adv. Punit Kumar appearing on behalf of Jeetendra Kumar, Manoj Kumar, and Shakuntala Devi submits that the matter is regarding the refund of money, interest and other penalties. He further submits that there are two issues arising whether the land is under the possession of the landowner or the developer and secondly whether the money received by the developer has been transferred to the landowner or not.

Counsel for respondent no. 1 prays for passing an interim order for freezing the bank accounts of the Landowner. He further prays for the directing Mr. Paritosh Chaturvedi to be personally present on the next date of hearing with the account statements and money received by the complainants.

Counsel for the landowner submits that there were three directors in the Company out of which 2 directors resigned but both directors are still having equity shares of 30% in the company till today.

Devanti Devi submits that she paid her deposits in 23 installments from 2015 to 2017. Adv. Punit Kr. submits Jeetendra Kumar paid Rs. 12,00,000/- in 2015 - 2016, Manoj Kumar has paid approximately Rs. 5,00,000/- and Shakuntala Devi has paid Rs. 3,67,000/- from 2015 to 2017.

Counsel for respondent no. 1 submits that he had transferred all the money to the landowner till the revocation of deed was signed i.e. 02/04/2018.

The Bench observes that the company has received money from all the complainants/consumers and then the funds have been transferred to the landlord. The Bench expressed its displeasure on the conduct of Respondent Company and landowners. The Bench directs that accounts of both- all directors of the respondent company (Past/Present) and landowners shall be frozen and all the business activities of respondent company (Past/Present) and landowners shall remain stopped until further orders.

The Bench further directs both Directors and Landowners to sit together and settle the matter of the complainants amicably and refund the money to all 4 complainants.

The Bench directs that if respondent no. 2 has any issue regarding functioning of respondent no. 1, he may go before ROC and Authority will not look into this matter. The Bench is of firm opinion that respondent company has taken money from complainants till the revocation of agreement between respondent company and landowner was not done and both the parties are equally responsible for the funds of the complainants/allottees.

However in the interests of the growth of Real Estate sector and with regard to protect the interests of the allottees, the Bench directs both the parties to settle the matter amicably.

In view of the aforesaid facts and keeping in view the approach, conduct and continued operation of the respondent company without registration of the

Projects with the Authority beyond 1.5.2017, the date on which, the RERA Act came into operation, the Bench 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. Galaxia Township and Housing Pvt. Ltd. and their Director/ Director (i) Uday Shankar Singh (Director) (DIN No:- 07689547), (ii) Jitendra Tiwari (Managing Director) (DIN No:- 07105636); and landowner/landowners (i) Ashutosh Chaturvedi (Landowner- PAN: AKMPC2618J) and (ii) Paritosh Chaturvedi (Landowner- Account No. 0022000100033094 Punjab National Bank, Arrah Chauk 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/Arrah not to register any apartment/plot of project "Vrindavan" situated at Bihiya, Arrah, Bihar and any other project of M/s Galaxia Township and Housing 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, their directors and landowners within two weeks, so that the Authority may take necessary action against the respondent company. (M/s Galaxia Township and Housing Pvt. Ltd.: CIN: U45200BR2015PTC023825)

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) M/s Galaxia Township and Housing Pvt. Ltd. having its corporate office at 3rd Floor, Jay Hanuman Complex, Infront of Bazar Samiti Main Gate Arrah-802301 (Bihar); Phone no.: 06182-234600; 9431483519; Email galaxiatownshipara@gmail.com.

(2) Jitendra Tiwari, S/o Srinath Tiwari, in house of Sujit Kumar, Aalishaan Gali, Nawada Chowk, Arrah, 802301, Mob No.: 9431483519, 9934040904, 8210278390, 8539920150, email: jitendratiwari41@gmail.com

(3) Mr. Paritosh Chaturvedi (Land Owner),

Add-1: D-1902, Logics Blossom County, Sector 137, Noida (UP), Mob No.: 09811088889, email: achaturvedi555@gmail.com.

Add-2: Krishna Sadan, Station Road, Nawada, Ara, Dist- Bhojpur-802301, Mob No.: 09811088889, email: achaturvedi555@gmail.com.

(4) Mr. Ashutosh Chaturvedi, Krishna Sadan, Station Road, Nawada, Ara, Dist- Bhojpur- 802301, Mob No.- 9431419360, Email: achaturvedi555@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 09/07/2021

Put up on 09/07/2021 for hearing.



s/-
R.B. Sinha,
Member