

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 210/2021, RERA/CC/986/2020

Priti Swaraj.....Complainant

Vs

M/s Sri Anuanand Construction Pvt. Ltd.....Respondent

Project : Sai Enclave

INTERIM ORDER

26-08-2022

.....

05-09-2022

The matter was last heard on 29-07-2022.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, in January,2020, against M/s M/s Sri Anuanand Construction Pvt. Ltd through their director Mr. Bimal Kumar for handing over the possession of the flat booked by her in the project Sai Enclave in September 2015 at the earliest, rent of Rs 20,000 per month till the date of possession, compensation on account of physical and mental harassment and for direction to the respondent company to execute agreement for sale as per RERA format.

The complainant, in this Execution Petition filed on 22/12/2021 has submitted that final order dt. 18-10-2021 was passed with following below directions:-

- I. *The Bench holds the cancellation of the booking of the flat no L-406 of the complainant/allottee in the Project Sai Enclave by the Promoter through undated letter in February 2020 as arbitrary, unilateral and illegal. Hence, the cancellation letter/termination order is set aside.*
- II. *The Bench also directs the promoter to modify the agreement for sale as per RERA format with a probable date of completion based on present stage of construction and execute it to enable the allottee to make construction-linked payments.*
- III. *The complainant will pay interest at the rate of Marginal cost of lending rate (MCLR) of State Bank of India (SBI) as applicable for three years plus two percent on the payable amount from due date of payment to the actual date of payment.*
- IV. *The Promoter should get the building plan of the Project revalidated/re-approved from the competent authority, based on the land available as on the date of sanction of the original plan (10.12.2012) within a month and submit to the Authority with a copy to all allottees of the project.*
- V. *In so far the claim for compensation is concerned, the Complainant if she so wishes, may approach the Adjudicating officer under the section 31/71 of the Real Estate (Regulation and Development) Act 2016.*

Perused the case record. The Bench takes the notes of written submissions made by both the parties as well as submissions made during the hearings and observes that both the parties has not placed any documents from which it can be evident that operative part of the order dated 18-10-2021 has been complied by both the parties, hence, Bench directs both the parties to submit their explanation in respect to the direction given by the Authority by the order dated 18-10-2021. The Bench further directs respondent to submit their explanation regarding the status of project.

Put up for further hearing on 23/09/2022, inform both the parties accordingly.

**Sd/-
Nupur Banerjee
Member**