

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

RERA/CC/342/2019

Amiya KumarComplainant

Vs

M/s Vision Land Pvt. Ltd.Respondent

Project: Vision Polaris.

INTERIM ORDER

16-08-2022

The matter was last heard on 28-06-2022.

This complaint has been filed seeking relief to submit completion plan of the project and possession date. He has further prayed for early completion and handing over possession as well as interest for delay in giving possession and adjustment of the interest amount against the cost of flat.

The complainant has booked a flat bearing flat no.A-63 in the project Vision Polaris and an Agreement for Sale was executed on 26-02-2014 for a total consideration amount of Rs.36 lakh. The complainant has submitted that he has paid Rs.17,77,349/- and that while the possession was to be given in Dec, 2015 but only 25% work has only been completed in last 8-9 years in the project. This complaint has been filed since after several requests, the respondent had not submitted the completion plan of the building with full amenities as promised.

The complainant has placed on record money receipts duly issued and acknowledged by respondent along with Agreement for Sale and Allotment letter.

On 03-07-2022, complainant has filed a petition along with photographs of the building stating that possession date as per agreement was Dec, 2015, but till that period only four slabs, i.e. 3rd floor structure

was completed. He has made payment of Rs. 21, 39,187 till Dec, 2015. He further submitted that he had availed housing loan from State Bank of India, Maurya lok Branch, and as per the tripartite agreement with bank; payment was to be done as per the schedule of work given in the agreement. After 2015, construction activity was halted and hence, bank refused to make further disbursements towards the housing loan availed by him.

The complainant has also submitted that some other works are to be completed in the building:-

1. More slabs are to be casted for completing the G+6 of the Apartment.
2. Brickwork to be completed for all floors (some brickwork has been done till 4th floor)
3. Plaster work of inner and outer wall of all floors.
4. Plumbing and sanitation work for the complete project.
5. Flooring has to be done for all floors.
6. Drainage , Sewage treatment plant, is to be completed.

No reply to the complaint and written submission has been filed by the respondent although their learned counsel along with Mr. Harsh Kumar Singh, M.D. were present during the course of hearings.

After the perusal of case records and , submissions made and photographs placed by complainant, it appears that the promoter has not given any plan for completion despite the various directions issued by the Bench. The Bench recalls the previous observations that in the event of inability of the promoter to give a firm schedule , the project may be handed over to association of allottees or to some other agency.

Issue notice to the promoter as to why the registration of this project not be revoked for not complying with the directions of the Authority.

The complainant may clarify the amount paid by him as he

has paid Rs 17.77 lakhs as mentioned in the complaint petition but payment of Rs 21.39 lakhs is stated in the supplementary petition.

Both the allottees and the promoter are expected to fulfil their obligations as provided under various sections of the RERA Act, 2016. The allottee has to make the payment as per the agreed schedule, and the promoter has to pay interest for the period of delay in possession.

Put up on 29 August, 2022 for further hearing.

Sd/-

Naveen Verma
Chairman