

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Mr. Naveen Verma, Chairman & Mrs. Nupur Banerjee, Member.

Case No. RERA/CC/1372/2020

Ujjawal Prakash

.....Complainant

Vs

M/s Nesh India Infrastructure Pvt. Ltd.

.....Respondent

Project: Tiruvantpuram City.

INTERIM ORDER

30.8.2022: This matter was last heard on 27.10.2021 and detailed proceedings have been drawn out. The matter was fixed for order on 23.11.2021 but the record was advertently misplaced in the office and the order could not be pronounced which is regretted.

The complainant had paid Rs.6,48,735/- in July, 2013 and allotment order was issued on 01.07.2013 for flat no.305, Block-K in "Tiruvantpuram City Vidyut" Khagaul, Patna. The flat was to be completed in December,2016 with a grace period of six months. It is submitted that the complainant was not informed about the status of the project despite his request. However, a demand notice dated 11.9.2018 was served by the respondent to pay Rs.11,07,705/-. The promoter has subsequently cancelled the allotment. This matter has been filed against the cancellation of the allotment and not to book the flat to someone else.

The respondent has filed reply that there was some delay in construction due to various reasons and that the complainant did not make payment as per the schedule mentioned in the Agreement to Sale. The respondent submits that the letter was issued to the allottee on 10.9.2018 but he did not respond after which the allotment was cancelled.

Perused the records. The agreement to sale mentions that 20% has to be paid at the time of booking and 35% at

the stage of construction up to plinth level. The letter dated 11.9.2018 annexed by the respondent in their reply does not indicate whether the construction up to plinth level has been made or not. The complainant has not given reply sent by him to this letter dated 11.9.2018, while he has admitted that he had received this letter.

The RERA Act, 2016 casts obligation upon both the promoter and the allottee so that the project is completed. The allottee has to make payments as per Agreement to Sale and the promoter is required to inform the allottee about the progress of the project by uploading Quarterly Progress Report on the web page. The Act and the Bihar RERA Rules, 2017 provide that the promoter may charge interest for delayed payment of dues by the allottees. The allottee is entitled to interest on delay in possession.

The Authority observes that before final order is passed it would be necessary to seek clarification from the complainant that whether he had replied to the letter of the respondent dated 11.9.2018. The respondent would also clarify whether they had sent specific communication to the complainant stating therein that work up to plinth level has been completed.

Copy of this order may be sent to both the parties.

Put up for hearing on 21.9.2022.

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman