

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/CC/830/2021

Jay Prakash Sharma

.....Complainant

Vs

M/s Adharshila Housing Buildcon Pvt. Ltd.

.....Respondent

Project: Central City

INTERIM ORDER

30.8.2022: This matter was last heard on 1.2.2022 and detailed proceedings have been drawn out. The matter was fixed for order on 10.3.2022 but the Authority was pre-occupied in other matters and subsequently the record was inadvertently misplaced.

The complainant has filed this matter for possession in Simplex Row House (AARON) in Central City (Adharshila Housing). While filing the matter he has mentioned that this project has been renamed as "Green Ghar" whose Director is Md. Shahid Ahmad.

The Authority recalls the detailed proceedings after hearing on 8.1.2022 and 1.2.2022, wherein the learned counsel for Mr. Shahid Ahmad had clarified that while he was earlier one of the Directors of the respondent company (Adharshila Housing Buildcon Pvt. Ltd.), he is presently Director of a different company namely, Green Ghar (previously known as). He has submitted that the amount paid to the respondent company cannot be adjusted with the new company.

Learned counsel for the respondent company had submitted that following the mutual agreement Md. Shahid

Ahmad was authorized to deal with all matters pertaining to this project and therefore, the liability to settle the issue with the complainant lies on him.

The complainant has been submitted that he paid Rs.10.5 lakh to Md. Shahid Ahmad who was supposed to construct the house.

The Authority had observed on the last date that the primary responsibility to address the grievance in the complaint is of the respondent company, that is Adharshila Buildcon Pvt. Ltd. However, ex-Director Md. Shahid Ahmad would also be liable in accordance with Section 59 of the Real Estate (Regulation and Development) Act, 2016.

During hearing it was mentioned that the respondent company has executed Deed of Conveyance for the plot but apparently the building has not been constructed. The complainant has stated that this was mentioned in the brochure issued by the respondent company.

The respondent company is directed to file their reply in this matter. They are also requested to confirm whether the Sale Deed has been executed and whether the complainant has paid the entire amount of consideration.

A copy of interim order may be sent to both the parties.

Put for hearing on 28.9.2022.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman