

**IN THE COURT OF ADJUDICATING OFFICER,
REAL ESTATE REGULATORY AUTHORITY (RERA),
BIHAR, PATNA**

**RERA/CC/314/2019
RERA/AO/47/2019**

Sri Suresh Kumar, s/o Sri Bishnudeo Prasad Ambashta, r/o Lohiya Nagar, P.O.-Suhrid Nagar, District-Begusarai-851218. Presently residing at LIG H-70, Kankarbagh, Patna-800020.

... Complainant

Versus

1. M/s Grih Vatika Homes Pvt. Ltd., Dipti Rai Complex, Ground Floor, Opp: S.K. Puri Park P.O., S.K. Puri, Boring Road, Patna-800001
2. Sri Ranjit Kumar Jha, s/o Sri Prem Kumar Jha, Managing Director, M/s Grih Vatika Homes Pvt. Ltd., r/o 584/A, Nehru Nagar, Road No.6, Patliputra, District-Patna.
3. Mrs. Anita Kumari, Director, M/s Grih Vatika Homes Pvt. Ltd. Dipti Rai Complex, Ground Floor, Opp: S.K. Puri Park, P.O., S.K. Puri, Boring Road, Patna-800001

... Respondents

Present:

**Sri Ved Prakash
Adjudicating Officer**

Appearance:

For Complainant : Mr. Punit Kumar, Advocate

For Respondents : Mr. Ankit Kumar, Advocate

ORDER

20-03-2020

This complaint petition is filed by the complainant,
Sri Suresh Kumar against the Respondent No.1, M/s Grih

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Vatika Homes Pvt. Ltd. through its Managing Director, Respondent No.2, Sri Ranjit Kumar Jha and Director, Respondent No.3, Mrs. Anita Kumari u/s 31 read with Section 71 of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the “Act, 2016”) for either to transfer and deliver possession of flat no.106 in Block-A of the project “Ram Mahavir Vatika” Apartment or allot/transfer and deliver any other flat at the same rate in any other project in Patna along with compensation/rent of Rs.20,000/- per month since December, 2016 till delivery of the flat to complainant .

2. In nutshell, the case of the complainant, Sri Suresh Kumar is that Respondent No.1, M/s Grih Vatika Homes Pvt. Ltd. through its Managing Director, Sri Ranjit Kumar Jha and Director, Mrs. Anita Kumari advertised for sale of flats in project namely; “Ram Mahavir Vatika” at Brahmpur Village, Anishabad, P.S.-Phulwri Sharif, District-Patna in May, 2013. Knowing the advertisement, the complainant, Sri Suresh Kumar talked with the Managing Director and Director and finalised flat no.106 in Block-A of the above project on 31-05-2013 and he has signed K.Y.C. on the same date for sale/purchase of flat no.106 in Block-A having area 670 sq.ft. on total consideration of Rs.13,40,000/- @ Rs.2000 per sq.ft. with miscellaneous amount Rs.2,25,000/- and Service Tax

Rs.48,858/-. Later on 12-12-2013 an Agreement for Sale was executed between both the parties with respect to said flat no.106-A and the complainant has paid Rs.1,38,141/- as booking amount and Rs.2,50,000/- and Rs.26,281/- in instalments and got money receipts for these payments. But, construction of project "Ram Mahavir Vatika" even after lapse of 6 years, has not started, hence, the complainant contacted with the Respondents, who assured him that the work will be started very soon, but nothing was done and said project could not be registered with RERA, Bihar. As such, being fed-up with the behaviour of the Respondents, the complainant has filed this complaint case with above reliefs.

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3. On appearance, the Respondents have filed reply pleading *inter-alia* that the Respondents are always ready to delivery possession of the flat to the complainant in its other project namely "Green Vatika" and now the parties are ready to settle the dispute. Hence, the case may be disposed of.
4. During hearing of the argument both the parties talked about compromise in this case and they have taken adjournment to get settled the matter. Thereafter, the complainant along with his learned lawyer visited into the office of the Respondents and after talk, the dispute was resolved and Joint Compromise Petition was executed between both the parties. The complainant, Sri Suresh

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Kumar and the Respondents' Director, Mrs. Anita Kumari have agreed that the complainant, Suresh Kumar is ready to shift his flat from the project "Ram Mahavir Vatika" to the other project "Green Vatika" of the Respondents. It was also agreed that the amount invested in project "Ram Mahavir Vatika" will be adjusted in the flat no.111 in Block-A of project "Green Vatika", Gola Road, Patna for which Sri Suresh Kumar has also scribed and admitted with his signature on 06-10-2019 on back sheet of the K.Y.C. dated 06-10-2019 executed between the parties. Later on, both the parties have filed Joint Compromise Petition on 17-02-2020, wherein both the parties have agreed that the complainant will be shifted/transferred in the project "Green Vatika" from the previous project "Ram Mahavir Vatika" on the same rate, which was available to him for the flat no.106. The complainant will pay at the same rate for excess area in present flat available in "Green Vatika". Now, the complainant will not get any type of compensation or litigation cost against the Respondents. It has also been agreed between the parties that the project will be completed till June, 2022 and complainant will get delivery of the flat till June, 2022 and if there will be any delay in completion, the complainant will be entitled for rent @ Rs.5/- per sq.ft. from the Respondents for the delayed period. The learned lawyer

Sri Punit Kumar on behalf of the complainant and Director, Mrs. Anita Kumari have put their signatures on the Joint Compromise Petition. The learned lawyer, Sri Punit Kumar after talk with the complainant on 03-03-2020 that the complainant shall to obey the terms and conditions mentioned in the Joint Compromise Petition executed between the parties has signed on his behalf on the said Deed.

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5. From the above discussion, it is clear that both the parties have amicably settled the disputes. Now, the complainant has agreed to transfer his paid principal amount on flat no.106-A in project "Ram Mahavir Vatika" to flat no.111 of Block-A of project "Green Vatika" and the Respondents will adjust the said consideration amount on the same rate, which was fixed between them for previous flat in project "Ram Mahavir Vatika", but the complainant shall pay for excess area of flat of "Green Vatika", which is more in area in comparison to area of previous flat of project "Ram Mahavir Vatika". They have now also agreed that the complainant is not entitled for compensation or litigation cost against the Respondents and the Respondents shall hand over the flat till June, 2022, failing which the complainant will get Rs.5/- per sq.ft as rent for delayed period against the Respondents. I think, there is no coercion, duress, fraud etc. played against

each other, rather the Joint Compromise Petition has been executed with free consents, hence, the same has to be accepted. Accordingly, the Joint Compromise Petition is accepted.

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Therefore, the present Complaint Petition is disposed of in view of the terms and conditions of the Joint Compromise Petition, which will be part of the order.

Sd/-
(Ved Prakash)
Adjudicating Officer
RERA, Bihar, Patna
20-03-2020



Grih vatika

HOMES PVT. LTD.

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सहमती पत्र

मै अनीता कुमारी, मेनेजिंग डायरेक्टर, मेर्सस गृह वाटिका होम्स प्रा० लि०, निबंधन कार्यालय 26 ए०.एन०. पथ बोरिंग रोड, जिला-पटना, कॉरपोरेट ऑफिस-दिप्ती रॉय, कम्पाउण्ड, भुतल, नजदिक पोस्ट ऑफिस, एस०के०, पुरी, बोरींग रोड पटना-800001.

और

(1) सुरेश कुमार, पिता-स्व० विष्णु प्रसाद अम्बासता, निवासी पता-लोहीया नगर, पोस्ट ऑफिस-सुर्हीद नगर, जिला-बेगुसराय, बिहार। वाद संख्या-RERA/AO/47/2019, और (2) सुरेश चन्द्रा, पिता-स्व० धनलाल प्रसाद, निवासी पता-कुर्जी कोठीया, न्यु विकास नगर, पोस्ट ऑफिस-सदाकत आश्रम, पटना-10, बिहार। वाद संख्या- RERA/AO/45/2019,

(क) हम दोनो पक्ष आपसी सहमती से राजी हुए हैं कि जिस रेट पर राम महावीर वाटिका में बुकिंग हुई थी उसी रेट में ग्रीन वाटिका में शिफ्ट हो गयी है, जो भी Area पिछले के०वाई०सी०/एग्रीमेन्ट के अनुसार था अब जो Area बढ़ा है उसका रेट पर Sq. Ft. के हिसाब से बढ़ जाएगा।

(ख) हम दोनो पक्ष आपसी सहमती से राजी हुए हैं कि इसके अलावा किसी भी तरह का कोई Compensation or Litigation राशी नहीं देना है।

(ग) बुकिंग के अनुसार के०वाई०सी० की कॉपी साथ में जमा करवा रहे हैं। प्रोजेक्ट का Completion Date जून 2022 है, उस समय तक इन दोनो को फ्लैट मील जायेगा। इसके बाद अगर प्रोजेक्ट Completion में देरी होगी तो प्रत्येक महीना पाँच रूपया पर Sq. Ft. के अनुसार Company Rent देगी।

Grih Vatika Homes Pvt. Ltd.
Anita Kamari
Director

Punit Kumar
Adv.
03/03/2020

हस्ताक्षर

मेर्सस गृह वाटिका होम्स प्रा० लि०,