

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Telephone Bhavan, Patel Nagar, Patna-800013.

Before the Single Bench of Mr Naveen Verma, Hon'ble Chairman

Case No. CC/1688/2020

Mina Devi.....Complainant

Vs

M/s Technoculture Building Centre Pvt Ltd.....Respondent

Project: VastuVihar, Arah Phase 2

ORDER

11-2-2022 The matter was last heard on 31-1-2022.

The case of the complainant is that she booked a unit Yamuna Big -047 BHK in the project on 06-12-2017 and registered the said plot on 23-02-2018. The complainant has stated that she paid Rs. 20 lakhs before 2019 and after receipt of demand letter, she paid approximately Rs. 18 lakhs more, thereby making a total payment of approximately Rs. 39.20 lakhs. The complainant has stated that the project manager of the respondent company Mr. Manoranjan Jha assured her that the project would be completed and possession would be handed over within one year from the day of registration of the plot. The complainant has alleged that even after lapse of so many years, there was no construction at the site and upon contacting the respondent only false assurance was given by them. Hence, the complaint has been filed praying for issuing suitable directions to the respondent for handing over of the possession to the complainant.

No reply has been filed by the respondent but the learned counsel for promoter was present on all the dates of hearing and has not challenged the averments meaning thereby the facts are being admitted. The respondent has further admitted that there was delay in completion of the project due to the ban imposed on sand, which was beyond the control of the respondent company.

During the course of hearing, the learned counsel appearing on behalf of the respondent company admitted before the Bench of Sri R.B. Sinha where the matter was earlier being heard that a lot of work was pending in the project. The respondent company further sought time to handover the possession and the Bench allowed time till October 2021. But as alleged by the complainant on the last date of hearing, the possession has not been handed over till now. The complainant has alleged that there are number of deficiencies in the construction and work is still to be completed in the duplex booked by the complainant. The complainant also informed that a sum of Rs 3 lakhs is yet to be paid to the respondent company.

On the contrary, the learned counsel appearing for the respondent company has raised objection and has submitted that work in the duplex bungalow is at finishing level. The learned counsel for the respondent company further prayed for 3 months' time to address the deficiencies and handover complete duplex to the complainant.

The Bench takes note of the submission and assurance of the respondent to hand over complete duplex in 3 months. It notes that section 19(6) of the Real Estate (Regulation & Development) Act, 2016 cast obligation upon the allottees to make the payment to the promoter on time. Admittedly, a sum of Rs. 3 lakhs is yet to be paid by the complainant to the respondent,

On the basis of the submissions advanced, the respondent is hereby directed to handover the possession of complete duplex by 30.04.2022 failing which penalty of Rs. 10,000/- will be imposed for each day of delay. The complainant is directed to pay the remaining amount of Rs 3 lakhs to the respondent so that the work in the duplex can be completed as per specifications agreed.

Both parties would comply with these directions within sixty days of passing of this order.

With these directions and observations, the matter stands disposed of.

Sd/-

**Naveen Verma
Chairman**