

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman
Case No. RERA/CC/1103/2021

Anand Kumar

.....Complainant

Vs

M/s Balaji Saphire Homes Pvt. Ltd.

.....Respondent

Project: Balaji City

ORDER

04/07/2022

This matter was last heard on 18.05.2022 and posted for order on 13.06.2022 but due to pre-occupation of the Bench in other matters order could not be pronounced on that date.

This complaint has been filed for completion of project with all amenities and facilities as mentioned in the brochure. The complainant is in possession of flat no. 307 Block- A in Balaji City Project, Patna after executing a sale deed on 30.06.2018. However, the facilities mentioned in the brochure of the respondent like the work of finishing of water tank; lift room on the roof; heat treatment at the roof has not been done; the second lift has not been installed, firefighting system has not been installed, parking area is not complete and not demarcated, the boundary is not complete, drainage system and road etc. are not complete.

The complainant has drawn attention to section 14(3) of the Real Estate (Regulation & Development) Act, 2016 and has prayed that a direction may be issued to the promoter to complete the project as per the specification mentioned in the brochure, completion certificate and occupancy certificate be given to him and for compensation.

Perused the records. Learned counsel for the respondent has initially mentioned that this matter is not maintainable as has been mentioned in the proceeding of 25.04.2022. However, subsequently they filed a reply in which they mentioned that the project is registered with the Authority and that all the works have been completed. Learned counsel for the complainant refuted the submission stating that some of the works are still pending.

A supplementary reply was filed on behalf of the respondent stating that the discrepancies would be removed after forming of Association of Allottees of flat owners but have denied the issues raised regarding the completion of work. The respondent has agreed to install the second lift, firefighting system and demarcate the parking area. It has been submitted that the project was registered by the Authority in 2019 but it is not maintainable before the Authority because the relief is not related to refund of principal amount and possession of flat.

The Bench observes that the application has been filed in Form-M which is complaint to Authority but the main complaint is addressed to the Adjudicating Officer. During hearing neither of the parties have raised the issue that the matter should be heard by the Authority or the Adjudicating Officer. Since the relief sought for is for a direction to the respondent for completion of project with all amenities and facilities the matter is being dealt at this level.

The Authority observes that under Section 17 of the Act, the promoter is required to give a copy of the Occupancy Certificate to the allottee.

The Authority, therefore, directs the promoter to give a copy of the completion certificate and the occupancy certificate to the complainant. The promoter is also directed to complete their remaining work and provide all amenities and facilities as mentioned in the brochure within 30 of the issue of this order and if they fail to complete the work and provide all amenities and facilities the complainant would be at liberty to approach the Adjudicating Officer and press the claim for compensation.

With these observations and direction the matter is disposed of.

Sd/-

Naveen Verma
Chairman