

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman
Case No. RERA/CC/1107/2021

Dilip Kumar Jha

....Complainant

Vs

M/s Balaji Sapphire 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 the order could not be pronounced on that date.

This matter 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. 408 Block A in Balaji City Project, Patna after executing a sale deed on 09.06.2015. However, the facilities as 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 the Authority's attention to section 14(3) of the Real Estate (Regulation & Development) Act, 2016 and has prayed that 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 while denying the issues raised on the completion 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.

Under Section 17 of the Act, the promoter is required to give a copy of the Occupancy Certificate to the allottee.

The Authority observes that in this matter online application was filed on 28.10.2021, which is more than five years after registration of the sale deed in 2015 and hence the matter is strictly not maintainable. However, since the deficiencies pertain to amenities and facilities in common areas which are similar to the matter raised in other complaint cases the grievances of this complaint would be addressed without giving any direction to the promoter in this matter.

With these observations the matter is disposed of.

Sd/-
Naveen Verma
Chairman