

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member
RERA/CC/167/2018**

Mohammad IrfanComplainant

Vs

M/s Bhootesh Construction Pvt. Ltd.

.....Respondent

Project: Rehmat Towers.

Present:

For Complainant : Md. Irfan Ahmad, in person

:

12.12.2022

13.12.2022

ORDER

This matter was last heard by the Double Bench on 24.05.2022 and was fixed for orders on 28.06.2022. However, the record was inadvertently misplaced, and hence the order could not be pronounced. Subsequently, by mistake, this matter was put up along with other old cases before the Single Bench on 18.11.2022. Thereafter, the matter was ordered to be listed before the Double Bench.

The case of the complainant is that he had booked a 2 BHK flat on 27.01.2015 and as per the agreement, it was to be completed by March, 2016. Against the consideration amount of the apartment of Rs 14.45 lakhs, the complainant has submitted that he has paid Rs. 11,26,792 i.e. almost 70% of the total amount. This matter has beenfiled for giving directions to the promoter tohandover possession of the flat.

The complainant has filed a copy of the agreement of sale and receipts issued by the respondent.

Perused the records.

No reply has been filed by the Respondent although the Directors of the company has been present on a few occasions. Subsequently, one of the Directors, namely Shri Rajeev Nayan had submitted that the land owner had been creating obstructions in completion of the project. Notice was issued to the land owner. Sri Sanjeev Kumar Singh. Reply has been filed by the land owner stating that he has never met the complainant nor had he ever created any obstruction in completion of the project.

The matter was delayed also because the Managing Director of the Respondent Company Shri Arvind Kumar Singh was in judicial custody for quite some time. A number of complaints regarding this project and other projects of the company M/S Bhootesh Construction Pvt. Ltd. were heard. The Authority recalls the order of the Single Bench dated 10.10.2022 in RERA CC Case No. 454 of 2009 in which the various circumstances pertaining to the project has been mentioned . made. The Authority also recalls the order of the Single Bench in RERA CC 717 of 2019 in which direction was given to the promoter to hand over possession by 15.12.2022.

The complainant , who was present during hearing on 12 December, 2022 submits that the finishing work is still pending.

The Respondent is again absent. Since the respondent has not appeared in this matter, the Authority is constrained to pronounce ex parte order.

The Authority directs the respondent Company and its Directors to complete the project within one month of the date of issue of this order. The complainant is directed to fulfill the obligation and make

payment of the remaining amount as mentioned in the 3rd schedule of the agreement of sale in accordance with the work completed and the demand raised by the promoter. After receiving the balance payment, and completing the remaining development works, the promoter will execute the deed of conveyance and hand over possession not later than 31.01.2023.

Taking into consideration that the flat was to be completed by March 2016, as mentioned in the agreement of sale, the promoter is directed to pay interest to the allottee, in terms of Section 18(1) of the RERA Act, 2016 at the fund based marginal cost of lending rates of the SBI applicable for three years plus 2% for every month of delay till handing over of the possession.

With these directions, the matter is disposed of.

Sd/-
(Nupur Banerjee)
Member

Sd/-
(Naveen Verma)
Chairman