

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mrs. Nupur Banerjee, Member

Complaint Case Nos. CC/1763/2020

Suresh Prasad Rai.....Complainant

Vs

M/s Metro Sky Construction Pvt. Ltd.Respondent

Project: Kashi Palace

For Complainant: Mr. Manoj Kumar Singh, Advocate

For Respondent: Mr. Binod Kumar Sinha, Advocate

31 /08/2022

ORDER

The matter was last heard on 18-07-2022.

The complainant, Suresh Prasad Rai, a resident of Village- Rupaspur, P.O.- Gadhnot, Patna-56, has filed a complaint petition against the respondent namely M/s Metro Sky Construction Pvt. Ltd., promoter and developer company, for the delivery of the possession of flats as per the development agreement and to pay Rs.50,000/- per month from the date of scheduled handover till its acquisition and to pay Rs.5,00,000/- as compensation.

In short, the case of the complainant is that the complainant had entered into Development Agreement dated 18-10-2014, vide deed no. 9593 for the development and construction of multi storied building upon his land on the 50-50 share ratio. He further submitted that it was agreed that respondent will complete the project and hand over the shares of complainant within 3years and 6 months after approval of plan and if it will not develop within period specified above then the respondent will pay 50,000/- per month rent but till date, the respondent has neither constructed the building and handed over his shares of flat nor paying the penalty for delay as per the development agreement. Hence, this complainant.

Perused the record of the case. No specific reply has been filed. However, Mr. Binod Kumar Sinha, learned counsel remains present during the course of hearings on behalf of the respondent company and made their submissions.

During the last hearing on 18-07-2022, learned counsel for the complainant has submitted that the development agreement has been done in October, 2014.

According to the development agreement, the possession has to be handed over in three years but they have not handed over the possession till date. The complainant is the land owner. He further submitted that lift and generator set are not installed, parking and flooring have not been done. A direction was given to settle the matter. Settlement has been done but they have not signed on the document.

Learned counsel for the respondent has submitted during the last hearing that since the matter was going on for settlement, the documentation has not been completed between both the parties. Document is ready. They have given the share of parking to the landlord but there is dispute between the landlord and his brother. The complainant is not ready to sign on the document. Even though the respondent is ready to settle the matter.

The Bench observes that landowners are allottees as per Regulation no. 6(3) of the Bihar Real Estate Regulatory Authority (General) Regulations, 2021 and hence the matter is maintainable.

The Bench also observes that as per the last direction, the respondent has not filed an affidavit and comply the direction of the Authority, hence, Bench impose a penalty of Rs.50,000/- for the non compliance of direction of the Authority.

After the perusal of documents placed and submissions made, the Bench observes that no documents placed by respondent from which it appears the project including the shares of complainant is completed as per the development agreement, hence, Bench directs respondent to ensure that the project including the shares of complainant should get completed with all the amenities and facilities as per the development agreement within 3 months. If the respondent fails to complete the works and provide all the amenities and facilities within 3 months as per the development agreement, then a penalty of Rs.2,000/- for each day of delay would be imposed upon respondent.

As regards the prayer inform of compensation and Rs.50,000/- per month for delay in handing over the possession is concerned, the complainant is at liberty to press the claim for that before the Bench of A.O.

With these observations and direction, this complaint is disposed of.

Sd/-
Nupur Banerjee
Member