

# REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Double Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh  
& Hon'ble Member Mr. S.D. Jha, RERA Bihar,

RERA/CC/110/2023

Pawan Kumar Singh..... Complainant

Vs.

M/s Soho Infrastructure Pvt. Ltd..... Respondent

For the complainant: Mr. Punit Kumar, Advocate

For the Respondent: None

**Project:—SOHO BADRINARAYAN ENCLAVE, “BLOCK-B”**

## ORDER

**28.08.2024** Hearing taken up. Mr. Punit Kumar, Advocate, appears for the complainant. The respondent is absent.

2(i). Learned counsel for the complainant submits that the present complaint has been filed for possession of Flat no.401 in the project “ Soho Badrinarayan Enclave, Nanuman Nagar,” for which the complainant had entered into an Agreement in the year, 2015. He further submits that out of the total consideration amount of Rs.40,78,900/-, he paid Rs.32,00,000/-. He also submits that the project is complete as on date and is in position to ready to move in. By filing a supplementary petition dated 24.07.2024 he also submits that the complainant has taken peaceful possession of flat and has also taken electricity connection. Now, he only wants execution of Conveyance Deed by the respondent and the complainant is ready to deposit the remaining amount.

(ii) He further submits in his supplementary petition that “ ....the respondent company has gone in Corporate Insolvency Resolution process before the NCLT, New Delhi in this regard the Hon'ble Apex Court has passed judgment in **Pioneer Urban Land and Infrastructure Lt. & Anr. Vs. Union of India**, whereby it was held that remedies given to allottees of flats are concurrent and they are in position to avail remedies under the Consumer Protection Act, RERA, as well the

Insolvency and Bankruptcy Code, 2016 (IBC). So the complainant wants the registry of the flat and the interest of the complainant may be secured by this Hon'ble Court."

(iii) He further submits that on the basis of the said judgment in Complaint Case no.CC/1176/2021 (Vijay Kumar Vs. M/s Soho Infrastructure Pvt. Ltd) the Authority vide order dated 27.09.2022 directed the respondent "...to execute the registered deed after receiving the remaining consideration amount from the complainant and handover possession of the flat to him within 60 days of this order."

(iv) He also submits that since this case is on identical to the case (Complaint Case no. CC/1176/2021), an order may be passed in this case also directing the respondent to execute Conveyance Deed in favour of the complainant. He further submits that the complainant would pay the remaining amount before execution of the Conveyance Deed. He also submits that the said order would not come in the way of the order of the any other Authorities.

3. Perused the record including the supplementary petition dated 24.07.2024 as well as the order dated 27.09.2022 passed in Complaint Case no. CC/1176/2021. The Authority observes that the case of the complainant of this case is almost identical to the Complaint Case no. CC/1176/2021, wherein the Authority has also directed the respondent to execute the Conveyance Deed in favour of the complainant.

4. Taking into consideration the aforesaid facts, the Authority directs the respondent - company and its Director(s) to execute the Conveyance Deed in favour of the complainant after receiving the remaining amount from the complainant within sixty days of issue of this order.

5. In view of the continued non-appearance either before the Conciliation Forum or the Authority and non-compliance of the proceeding dated 24.07.2024 of the Authority, a penalty of Rs.50,000/- is imposed on the respondent under Section 63 of the RERA Act, 2016 which would be deposited within

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ten days, failing which an additional amount of Rs.1000/- per day shall be imposed w.e.f. 09.09.2024, which shall continue till payment of the aforesaid penalty amount. Let a copy of this order be sent to the Compliance Wing, RERA, to take necessary steps for realization of the aforesaid penalty amount

**With the aforesaid observation and direction this case is disposed of.**

Sd/-  
**S.D. Jha**  
**Member**

Sd/-  
**Vivek Kumar Singh**  
**Chairman**