

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/291/2021

Dharamsheela Singh and Nawal Kishore Singh.....Complainant

M/s DDL Infratech Pvt. Ltd.....Respondent

Project: Agrani Woods

For Complainant: In Person

For Respondent: Mr. Rabindra Kumar, Advocate
Mr. Shiv Kumar, M.D.

28/09/2022

ORDER

The matter was last heard on 22-08-2022.

1. This complainant petition has been filed seeking relief to direct the respondent to provide physical possession of land in consonance with development agreement, dated 09-08-2014. Further, the complainant also seeks to direct the respondent to pay interest at rate of 10 % annum on amount of consideration from vendor w.e.f .30.3.14 till date.
2. In short, the case of the complainant is that the respondent has executed the Sale Deed No. 3926, dated 30-03-2014, in favor of complainant for the plot measuring 2400 sq. ft. on the consideration amount of Rs. 5.30 lakh after the payment of full consideration amount. It has been further submitted that subsequently development agreement dated 09-08-2014 was also executed by the respondent and as per the agreement, has to provide following facilities:-
 - 1) Demarcation of plots with pillars
 - 2) Provision of drainage and water sewerage system
 - 3) To provide electricity and streetlight facility
 - 4) Provision for 60 feet main road, 40 feet side road and 30 ft branch road will be RCC/bituminous
 - 5) Security arrangement of the said township/colony to be known as Agrani Woods till the formation of society.

It has been further submitted that after the lapse of more than 7 years and after several requests the plot has been not handed over to complainant with development. Hence, this complaint.

3. Perused the record of the case. The respondent has filed its affidavit dated 06-06-2022 along with photograph showing the possession handed over to complainant. It has been submitted by the respondent in affidavit that in compliance of the court order, the respondent has handed over physical possession as per company plot number and rectification deed has also been executed having irregularity. It has been further submitted that respondent has completed the provision of 30ft. Wide Road, Layout of Drainage, Water Supply and Electricity as per the agreement. It has been further stated that respondent has developed the land as per the agreement and provide all the amenities in proof, the photograph is attached here with, for perusal and needful.
4. The respondent has filed an application on 08-08-2022 along with copy of deed of exchange and receipt of map submitted before Patna metropolitan, Patna and prayed to dispose of the case in the light of submissions made.
5. During the last hearing, learned counsel for the complainant has submitted that there is no development in the project.

Learned counsel for the respondent has submitted that exchange deed has been executed and alternative plot has been handed over to complainant.

The Bench takes the notes of committee report dated 18-02-202 placed on record for kind perusal as submitted by the committee went for inspection as per the direction of the Authority by giving their findings therein.

In the light of the submissions, advanced by learned counsel for the parties and documents placed, this Bench deals the issue raised in the present complainant in the following manner:-

As regards the possession of plot, the Bench takes the notes of submissions of learned counsel for respondent made during the course of last hearing as well as affidavit filed along with photographs stating and

showing that possession of plot has been handed over and observes that this issue has been addressed and complied by the respondent.

As regards the receipts of map placed by respondent submitted before the competent authority is concerned, the Bench takes the notes of the same and directs the respondent to provide the copy of map to allottees as well as complainant as soon as it gets approved by the competent Authority. In meanwhile provide a copy of map submitted during taking the registration of the project from the Authority to complainant or allottees who wish to take.

As regard Development is concerned, the Bench takes the notes of affidavit filed by the respondent, photographs placed as well as many photographs and videos of the project indicating development shown during the course of hearings and observes that it cannot be said that no development work has been done by the respondent at the project site but yes, few more works are needed to be done at the project site to say that project is complete and developed in all respect, hence, taking the notes of validity period of registration of the project is from 25-10-2019 to 31-12-2024, the Bench, directs respondent to complete the work of development at the project sites required to be completed as per agreement within the validity period of project or as soon as possible, so that, complainant/allottees can stay/ live there in better environment.

As regard, the execution of rectification deed is concerned, the Bench takes the notes of exchange deed placed on record by respondent as well as the submissions made in respect to execution of the same during the last hearing, not countered by the complainant and observes that this issue has been addressed and complied by the respondent.

As regards claim for compensation as interest for delay is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

With these directions and observations, this complaint petition is disposed of.

Sd/-
Nupur Banerjee
(Member)