

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10,
Patna -800023
Before the Single Bench of Mrs. Nupur Banerjee, Member

Complaint Case No.: CC/353/2019

Commander Manoj Kumar Singh.....Complainant

Vs.

M/s Shekhar Vihar SGNS Samiti Ltd.....Respondent

Project: Neelam Place

ORDER

28-02-2022

The matter was last heard on 04.01.2022. The complaint was filed on 24-04-2019.

The case of the complainant is that respondent had executed the sale deed in his favor and handed over the flat in 2010 but the respondent has not provided mandatory common amenities services like transformer, generator, common meter, lift, firefighting system, drainage system etc. He further submitted that respondent has not even established any security system in the apartment. Complainant also submitted in complaint petition that he had started staying in his flat on regular basis since August, 2017.

On 14-10-2019, Mr. Kaushal Kishor Sharma, Secretary of the respondent cooperative society had filed its reply stating therein that he was the secretary of the Shekhar Grih Nirman, Sahyog Samiti Ltd i.e. respondent in the present case and the aforesaid society had entered into development agreement with the landowners in respect to their lands for development of the lands

precisely construction of a multi storied (G+4) apartment consisting of 18(eighteen) flats. He further submitted that being the secretary of the society, he had signed the development agreement and on behalf of the co-operative society in respect to land which jointly belonged to his and his wife Smt. Neelam Sharma. He further submitted that the agreement was entered into on 02.09.1999 and the cooperative society was the builder who has constructed the apartment in the name and style of Neelam Place under the above said development agreement. It has been further submitted that the building apartment was constructed in the year, 2000 and the last flat was sold in the year 2013. He further submitted that the society has become defunct after 2009 and so far the issue regarding different facilities and amenities is raised by the complainant in his complainant petition is concerned, the answering respondent is too facing the same difficulties as he too has a flat in the same apartment. He further submitted that so far the issue pertaining to electrical line in the common area and elevator is concerned, the co-operative society had got electric connection for common area and common meter was installed in the name of one Smt. Abha Singh, which was used to operate elevator but later on it was not transferred in the name of apartment or maintenance committee of the apartment leading to non-functioning of the elevator in the apartment. He further submitted that the Apartment has a brand new generator and maintenance committee can use the same for the benefit of residents of the building. He further submitted that so far the issue of installation of transformer is concerned, association of residents or the society of the resident may approach to the South Bihar Power Supply Company Ltd. with request to install transformer exclusively for

the use of apartment and for this respondent being one of the member of the apartment will give all cooperation. He further submitted that building has its own sewerage system and tanks and this could be connected with the main sewerage line of the area as when the building was constructed, there was no municipal sewerage line passing through the area.

On 17.02.2020, complainant has filed counter reply objecting the submissions of the respondent and also objected the submission of respondent regarding defunct of the society in 2009. He further submitted that builder had given a written assurance to Phulwari Parishad to complete the work and also placed letter of meeting dated 25.09.2019 stating therein to complete the pending work.

During the last hearing on 04-01-2022, the complainant had submitted that the respondent had executed the sale deed in his favor and handed over the flat in 2010 in which he is residing but the apartment lacks basic requirement of transformer and lift for which the respondent had submitted several times during the course of previous hearing to settle the matter amicably but did nothing. In February, 2021 the respondent was directed to install the transformer and the lift but he failed to do so. On 07/03/2021 the earlier Bench of Mr. R.B. Sinha, the then member, had directed the respondent to make transformer and the lift functional by 1st April, 2021 but till date the respondent had not install the same and has not complied with the directions. Moreover, there is problem of sewerage in the apartment also. He had also submitted that in the last proceeding, the bench had directed to form the society of allottees which also could not be formed due to non-cooperation of

the builder. He submitted that he had filed rejoinder to the reply filed by the respondent company.

The Complainant has placed on record Deed of Absolute Sale dated 07-04-2010, order of Anumandal Lok Shikayat Nivaran Padadhikari, Phulwari Sharif, Danapur dt.17-01-2019 and letter dt.10-11-2018.

Learned counsel of the respondent company while referring Section 14(3) of the RERA Act, had submitted that since the allottees were handed over their flats in 2010, they themselves have to maintain the apartment now from their own resources/contribution. He further submits that they have filed their reply and states that the Society is non-functional.

On the basis of the submissions and taking into consideration the documents filed by both the Parties, the bench observed and direct the respondent to form an association of society and complete the remaining work with the cooperation of society members within 60 days of issuance of this order. Further, the bench directs the complainant to give full cooperation to the respondent in forming association of society and completing the remaining work.

Sd/-
Nupur Banerjee
Member