

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman**

**RERA/CC/648/2019
RERA/AO/438/2019**

Mr. Garib Prasad

.....Complainant

Vs

M/s Sainik Welfare Organisation

.....Respondent

Project: Kargil Veer Awas.

02.02.2023:

ORDER

This matter was last heard on 02.01.2023. This matter was earlier heard by the Adjudicating Officer which was transferred to the Authority on 18.11.2022.

This matter has been filed by the complainant for possession of plot and compensation in respect of project Kargil Veer Awas of Sainik Welfare Organization.

The complainant had booked a plot in the year 2011 against which plot no.A 177 was allotted. The complainant has submitted that he had paid the consideration amount. The Sale Deed was executed on 20th March, 2013 but neither the project has been developed nor the possession of plot has been handed over.

During hearing the complainant had submitted that the project is still ongoing and not registered with the Authority.

Learned counsel for the respondent submitted during hearing that the transaction was made before the enactment of the Act and as such is not maintainable. He has submitted that this project is beyond the planning area and the map is not passed by the competent authority. He said that the respondent is willing to refund the deposit made by the complainant.

The complainant filed rejoinder stating that the Sainik Welfare Organization is for the welfare of security forces personnel and he is willing to accept possession with all developed amenities as published in brochure. The complainant wishes to take possession of land. He has also mentioned that the project location falls within the Patna Metropolitan Area Authority (PMAA). The complainant has filed a copy of the order passed by the Authority in a similar case no. CC/850/2019.

Perused the records. It is the bounden duty of Sainik Welfare Organization to take care of the interest of servicemen and therefore, they should focus on completion of project with all amenities. The

Authority observes that the project has to be registered with the Authority despite being an ongoing project and hence suo-motu proceeding under Section 3 of the Real Estate (Regulations and Development) Act, 2016 has been initiated.

The Authority notes that the direction passed by the Bench in CC/850/2019 on 30.06.2022, the respondent should get the project registered. If the application for registration is not filed within 15 days of the order, action against Section 59 (2) for continued violation of the Act would also be considered.

The Authority directs the respondent to develop the project with all amenities and facilities and demarcate the plot and hand over possession to the complainant within 60 days from the date of this order.

The complainant is at liberty to press his claim for rent paid by him which is in the nature of compensation before the Adjudicating Officer.

A copy of this order may also be communicated to both the parties.

With this these directions/observations the matter is disposed of.

Sd/-

(Naveen Verma)
Chairman