

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

**Case Nos. RERA/CC/573/2021**

**Nidhi Gupta**

**...Complainant**

**Vs.**

**M/s Anand Buildcon Pvt. Ltd**

**...Respondent**

**Project: - Anand Vihar Complex - E**

**Present: For Complainant: Mr. Alok Kumar Mishra, Advocate**

**For Respondent: None**

**ORDER**

**22.04.2022**

The matter was last heard on 13.04.2022.

The facts of the case are that the complainant had booked a flat bearing no: 302 on the 3<sup>rd</sup> floor of the project in Block – E with one car parking space on the ground floor for which a registered Deed of Absolute sale was executed on 23.01.2017. The complainant has stated that she paid total consideration to promoter namely Pavan Kumar Jha, Director Micky Ananad Buildcon Pvt. Ltd., Patna but till date promoter has not provided parking space . Instead the promoter has taken additional Rs.10,000 and made written note of amount of Rs.90,000 while allotting parking space no.3. Therefore, the complainant has filed the complaint praying for issuing direction to the respondent company to handover the possession of parking space no.3 and Rs.5 Lakhs for compensation.

The complainant has place on record a copy Deed of Absolute Sale dated 23.01.2017. Perused the record, No reply has been filed by the respondent company.

On 11.02.2022 the learned counsel of the complainant submitted that five years back the complainant had paid the

entire amount and the flat was accordingly registered. As per registered deed parking space no.3 was allotted to the complainant but the same is not being given to him by the respondent company and the respondent company has also taken Rs 10,000/- from the complainant for which receipt has been issued. He prays for allotment of parking space no.3 as mentioned in the registered deed.

On last date of hearing the learned counsel of the complainant reiterated his prayer and further submitted that as per section 2(n) of the RERA Act, 2016, parking space is common space and the promoter has no right to take separate consideration for parking space.

The Bench notes that despite issuance of notices, respondent failed to appear and file their reply.

After considering the documents filed and submissions made by the learned counsel of the complainant, the Bench hereby directs the respondent company and their Directors to hand over the possession of parking space no.3 to the complainant within 15 days and in case of default, they would be liable to pay Rs.1,000/- for each day of default.

The complainant is at liberty to approach the Adjudicating officer for their claim of compensation.

With these directions and observations, the matter is disposed of.

**Sd/-**  
**Naveen Verma**  
(Chairman)