

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/CC/647/2022

Mrs. Meenakshi Kumari ...Complainant

Versus

M/s. Grih Vatika Homes Pvt. Ltd. ...Respondent

Project: Green Vatika

For the Complainant: Mr. Manoj Kumar, Advocate

For the Respondent: Mr. Shantanu Kumar, Advocate

Order

28.08.2024

1. The case was last heard on 24.07.2024 and reserved for order. Learned counsels for the complainant and the respondent both were directed to file their written submissions in this within two weeks. However, no submissions have been filed by any party till date. Hence, the order is being passed today.

2. The complainant's case is that they entered into an agreement on 25.07.2019 with the respondent to purchase Flat No. 302, a 3 BHK in Block A on the 2nd floor in the project Green Vatika, against which the complainant paid Rs. 17,25,876/- out of the total consideration amount of Rs. 32,96,753/-. However, till date, neither the project is completed nor possession has been handed over. The complainant further prays for a refund of the principal amount.

3. Upon perusing the record, it is noted that a reply from the respondent was filed on 10.04.2024, submitting that the casting of the ground floor of Block A of the project is completed. The respondent further submitted that the complainant has defaulted in payment as per Schedule III of the agreement for sale.

4. On 07.05.2024, a rejoinder was filed by the complainant, stating that as per the agreement dated 25.07.2019, possession of the flat was to be handed over by 30.06.2022, but the project is not completed to date, and the registration of the project has also lapsed. Further submitted that the complainant made regular payment till 2018-2019 as demand of the respondent. The complainant further prays that the respondent should either hand over possession of another flat or refund the principal amount with interest.

5. During the hearing on 24.07.2024, the learned counsel for the respondent submitted that the respondent-promoter is willing to deliver possession of a flat of the same dimension and for the same consideration amount in another project, namely Urmila Vatika, to which the complainant's counsel agrees. Furthermore, the Bench directed both parties to file their written submissions in this regard within two weeks. However, no submission has been filed by any party till date. Hence, the order is being passed on the basis of documents available on record.

6. Perused the record. On the basis of the documents available on record and the submissions made by both the parties, the Authority hereby directs the Respondent Company and its Directors to deliver possession of a flat of the same dimension and for the same consideration amount in another project, namely Urmila Vatika, to the complainant within sixty days of the issue of this order.

With the aforesaid observations and directions, this case is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Vivek Kumar Singh
Chairman