

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Telephone Bhavan, Patel Nagar, Patna-800013.
Before the Single Bench of Mr Naveen Verma, Hon'ble Chairman

Case No. CC/34/2018

Neeraj Kumar Rukhaiyar.....Complainant

Vs

M/s Brahm Engineers & Developers Pvt Ltd.....Respondent

Project: Sri Janaki Bhawan

ORDER

7-2-2022 The matter was last heard on 21-1-2022.

The case of the complainant is that he booked flat no.303 in the project having 1405 sq ft; an agreement for sale was executed on 21-12-2011 for a total consideration of Rs. 22 lakhs. The complainant initially paid Rs.5,60,000/- by cheque no.000001 of Bank of India dated 25.2.2011 and he availed home loan from Bank of India and paid Rs. 10,000/- vide cheque no. 8513 dated 25-02-2011, cheque no. 8514 dated 29-04-2011 for Rs. 1,00,000/-, cheque no 787803 dated 21-06-2011 for Rs. 25,000/-. The complainant has also stated that Ms. Indu Kumari paid Rs. 3 lakhs vide cheque no. 911551 dated 24-05-2011, cheque no. 911553 dated 21-06-2011 for Rs.6,75,000/- and loan disbursal amount of Rs. 10 lakhs on 29-07-2013 and Rs. 4,45,000/- on 05-01-2012.

The complainant has alleged that the respondent company has violated the terms of the agreement and has neither completed the flat nor handed over the possession. The complainant sent a legal notice to the respondent company on 25-03-2017 bearing no response. Therefore the complaint has been filed praying for issuing direction to the respondent

company to complete the flat and hand over the possession of the flat, to pay heavy cost to the complainant for making delay in completion of the project along with litigation cost, to execute a registered conveyance of deed of sale in favour of the complainant.

The complainant has placed on record legal notice dated 25-03-2017 and agreement for sale dated 21-12-2021.

Reply has been filed by the respondent company along with a copy of medical report issued by Shree Sai Nath Hospital, Nawada. In its reply the respondent company has admitted that it has taken money from the complainant and has not been able to complete the project on time. It has further been stated that Mr. Jagmohan Gautam was suffering from serious health issues and due to paucity of funds the business of respondent company was hampered and the project got delayed.

On the last date of hearing, the MD of the respondent company Mr. Jagmohan Gautam had assured that the remaining work would be completed in 6 months. The Bench was informed that the respondent company had earlier given an assurance that the entire project would be completed in all aspect by the end of November, 2021.

The Bench notes that the application for registration of the project has been rejected by the Authority in September 2021 for want of requisite documents. The Bench was informed that the respondent is unable to register the flats in favour of the allottees without the project being registered with the Authority Therefore the respondent company is directed to apply again for the registration of the project Janki Bhawan with all the requisite documents within 15(fifteen) days so that the matter of registration can be reconsidered as the project is expected to be completed by 31st August 2022 .

The Bench directs the respondent company to complete the project and deliver possession with full amenities by 31st August, 2022. If

they fail to do so, a fine of Rs. 10,000/- for each day of delay would be imposed.

The complainant is at liberty to press his claim for compensation before the Adjudicating Officer.

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

Sd/-
Naveen Verma
Chairman