

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/677/2019

Mala SinhaComplainant

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 she booked flat number 203 in the project and an agreement for sale was executed on 21-1-2012 for a total consideration of Rs. 44 lakhs. The complainant initially paid Rs.7.50lakhs and subsequently in instalments and has paid total Rs. 33.50 lakhs (Rs. 7,50 ,000/ -, Rs. 9,50,000/-, Rs. 2,00,000/-, Rs. 1,00,000/-, Rs. 2,00,000/-, Rs. 10,00,000/-, Rs. 1,50,000/-) to the respondent company. The complainant has stated that as per the development agreement executed between the landowner and the respondent company, the latter was required to complete the apartment within 3 (three) years but till date the construction has not been completed.

The complainant has alleged that upon contacting the respondent company, no response was received. Legal notices dated 05-07-2018 and 22-07-2018 were also sent but no reply was received. The complainant has stated that she has herself completed the floor work, wall plaster, putty over walls, brick work, electrical work which cost Rs. 9,14,510/- . At present, finishing works like bathroom fitting, kitchen fitting, door

fitting, painting and electrical fixtures are still pending. It has further been alleged that the respondent company has sold the servant room of the complainant to one Mr. Jai Prakash Singh in the year 2017. Therefore the complaint has been filed praying for permission to construct the flat at her own expenditure. The complainant has also prayed for issuing directions to the respondent company to reimburse the expenses incurred in such construction and payment of interest 18% per annum from 03-07-2015.

No reply has been filed by the respondent company. However, the Director of the respondent company along with the learned counsel was present during all the hearings and has admitted that the company has taken the amount from the complainant and has not been able to complete the project. 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 .

During the course of hearing, the complainant informed the Bench that she has completed some work the flat at her own cost and now wants reimbursement of the expenses incurred. The respondent

company had stated that they would first complete the project and then settle the issue of reimbursement of expenditure.

The respondent company is directed to settle the issue of reimbursement of expenses incurred on items of work as per the agreed specifications. The complainant would share the details of the work undertaken by her along with the invoices with the respondent company which would then verify these on the basis of their estimates and expected expenditure and adjust the amount against the dues to be paid by the complainant.

The complainant is directed to pay the remaining dues to the respondent company in terms of her obligations under section 19(6) of the Act so that the building can be completed.

Both parties would comply with these directions within sixty days of passing of this order.

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 her claim for compensation before the Adjudicating Officer.

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

Sd/-
Naveen Verma
Chairman