

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. RERA/CC/445/2019

Veena Yadav.....Complainant

Vs

M/s Imperial Foundation Construction Pvt Ltd.....Respondent

Project:ANURAG PLAZA

ORDER

7-2-2022

The matter was last heard on 21-1-2022 after the batch cases filed by some allottees seeking completion and handing over of the flats.

The instant case was initially filed u/s 7 of the Real Estate (Regulation & Development) Act, 2016 for revocation of registration granted to the respondent company. However, subsequently, a number of petitions have been filed by the complainant informing the Bench about the pendency of work in the project and the work carried out by the respondent company. During the course of hearing, the respondent company has also filed petitions informing the Bench of Shri R B Sinha, Member about the work that has already completed in the project and those which are yet to be completed. The respondent company has also filed a petition stating the timeline within which various pending works shall be completed and the planning status of the project.

During hearing before this Bench, the respondent company apprised the Bench of the hindrance being created by the complainant. It has been alleged that the landowner -allottee is regularly making alterations and making new demands beyond what was agreed in the

development agreement. The respondent company has also alleged that there was delay in handing over possession because the complainant is creating hindrance in fixing of electric panel and carrying out various other works.

The learned counsel for the complainant while opposing the allegations of the respondent company stating that no work beyond the specifications has been undertaken by the respondent company did not press the claim for revocation.

Under these circumstances, there is no need for any action under Section 7 of the Act.

The Bench notes that the complainant who is the landowner of the projectland and had executed a registered Development Agreement and supplementary agreement with the respondent company is an allottee under the Bihar RERA Regulations, 2021. The Bench takes note of the addendum to development agreement signed on 20.02.2017 and the allegation of the complainant regarding completion of the project and handing over of possession.

The Bench observes that in the interest of the allottees who have paid money for the project and keeping in view the commitment of the promoter to hand over the completed flats, the prayer of the complainant not to proceed with the development work and not transfer any built up area or handover possession of any built up area to any third party is rejected.

So far as claim of the complainant with regard to completion of work in the project is concerned, the respondent company is mandated to discharge the obligations casted upon it as per the agreement/s 18 of the Act. The Bench has observed that in other ongoing complaint cases, the respondent company has assured to complete the remaining work by 28 February, 2022.

Therefore, based on the facts and documentary evidence furnished and submissions advanced by the parties, the Bench hereby directs the respondent company to complete the remaining work by 28 February 2022 and if the respondent company fails to complete the remaining pending work by 28 February, 2022 penalty of Rs 10,000 for every day of default would be imposed. The respondent company is further directed to regularly upload the report showing the updated status of the project along with photographs as mandated under Sec 11 of the RERA Act, 2016.

The Bench directs the complainant not to create any obstruction so that the project can be completed within the timeframe . If they are found creating hindrances, suitable penalty would be imposed against them.

The parties are at liberty to approach the Authority after 60 days from the date of issue of the orderin case the directions are not complied with by either of the parties.

Sd/-
Naveen Verma
Chairman