

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC-736/2019

Manish Kumar

.....Complainant

Vs

M/s Ghar Lakshmi Buildcon Pvt Ltd

.....Respondent

Project: Sarita Kunj Phase I

ORDER

04/07/2022

This matter was last heard on 11.02.2022 and posted for orders on 21.03.2022. However due to pre-occupation of the Bench in other matters the order could not be pronounced on that date.

This matter was filed on 12.04.2019 by the complainant who is a land owner seeking direction to the respondent to submit a detailed completion report per month. The complainant executed a development agreement on 25.04.2014 with the respondent and the time frame for completion of project decided was four years. The land owner's share was seven flats in block A and B. Even after expiry of the period mentioned in the development agreement, no flat is ready. He has filed a copy of the development agreement.

Reply was filed by the respondent stating that as per the development agreement, the building has to be completed within 42 (months) with further grace period of six month from the date of sanction of the building plan. He has submitted that the building plan was approved on 15.12.2015 but the work got hampered due to rainy season, the problem of supply of chain, for demonetization and also because Suo Motu case filed by the RERA. He has submitted that the project is registered with the Authority in the month of April 2019 which is mentioned in the registration certificate. He has also submitted that the registration was till 18.10.2020 as per extension of registration certificate and thereafter they have applied for further extension. In the reply filed on 24.03.2021 it was

submitted that the completion was expected up to September 2021.

Rejoinder was filed by the petitioner in which in paragraph 3 it is submitted that neither the building was constructed nor the respondent was having any intention to do so. Photographs are also annexed with the rejoinder.

The respondent has filed a supplementary reply on 21st June, 2021 showing their photographs and that they had applied for sanction of registration beyond 18.10.2020.

This matter was heard at length by the then Member, Shri R.B. Sinha. On the last date of hearing on 11.02.2022 in this Bench the learned counsel for the respondent-Company had submitted that the project would be completed within six months i.e, up to 31.08.2022.

The Authority , in view of the submissions made , directs the respondent to hand over the completed flats in the share of the complainant by 15th of September, 2022 and in the event of delay a penalty of Rs. 10,000/- per day would be imposed.

The Authority observes that the promoter has not uploaded the Quarterly Progress Report under Section 11 of the Real Estate (Regulation & Development) Act, 2016 for which a penalty of Rs 3000/- is imposed.

With these direction the matter is disposed of.

Sd/-
Naveen Verma
Chairman