

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Single Bench of Mr. Naveen Verma, Chairman**

**Case Nos. RERA/CC/923/2021**

Sri Krishna Singh.....Complainant

v.

M/s Genx Infra Homes Pvt. Ltd.....Respondent

**Project: - Land Mark Block B & C**

**ORDER**

**21-1-2022**

The matter was last heard on 10-1-2022.

The relevant facts of the case are that the complainant and the respondent company entered into a registered development agreement on 01.09.2012 for the construction of multi-storied building over khata no. 92, Tauzi No. 5519 Survey Plot no. 113 (part), Thana no. 22, under Mauza Jalalpur near Jalalpur Dental College having an area of 55915 sq.ft.. The complainant has stated that the project was to be completed within a period of 3.5 years with 6 months grace period with the share of the complainant and the respondent company being 50% each. The complainant has alleged that the respondent company has deliberately completed his share of flats and accordingly executed sale deeds in favour of the respective buyers and has not completed the flats falling in his share. The complainant has further alleged that an instrument of share division was signed on 05.07.2016 however the respondent company deliberately did not disclose the number of parking proposed to be developed over the subject land. The complainant has alleged that the even after lapse of 5 years, no development in the share of the flats of the complainant has taken place . It has further been alleged that as per the development agreement, in case of non- completion of the project within the stipulated period, the respondent company would be liable to pay

penalty of Rs. 25000/- per month till the handover of the project. Accordingly the respondent company is liable to pay Rs. 14,75,000/- (Rupees fourteen lakh seventy five thousand only) to the complainant. The complainant has therefore prayed for completion of the work in the flats falling in the share of the complainant and handing over of their possession, demarcation of parking space as per the agreement, penalty for the delayed period with interest with suitable penal action against the respondent company. The complainant has also prayed for restraining the respondent company from selling the flats in the share of company.

The complainant has placed on record the development agreement dated 01.09.2012, instrument of division of share dated 05.07.2016 and photographs of the flats in the share of the complainant and that of the respondent.

The respondent has not filed a written reply specifically mentioning the time period within which the work in the flats falling in the share of the complainant would be completed.

During the course of hearing, the respondent company submitted that the company is ready to handover the share in the flats and in the car parking space to the complainant as per the development agreement and the instrument of share division. A proposal for a conciliation meeting was put forth by the respondent company before the Bench to discuss all outstanding issues with the complainant, however as averred by the respondent company, the meeting could not be held as the respondent Mr. Rakesh Ranjan had tested Covid +. A petition to this effect was also filed by the company on 12.01.2022 wherein the learned counsel for the company sought time to file a detailed counter affidavit.

On the last date of hearing, the Bench granted 3 days' time to the respondent company to file reply however no reply has been filed by the company within the stipulated time frame. The respondent company was also directed to send an email to the complainant regarding offer of possession on the same date. No information as to the receipt or non-

receipt of any email has been reported by the complainant to the Authority.

Perused the records of the case. The Bench has taken note of submission of both the parties. The Bench observes that the respondent company has submitted before the Bench that the company is ready to handover the possession of flats and share in the car parking space to the complainant immediately. The respondent company is directed, therefore, to handover the possession of flats with complete facilities as per the agreement falling in the share of complainant along with the car parking space to the complainant within a period of 60 days from the date of issuance of the order.

The complainant is at liberty to approach the Authority in case of non-compliance of the above direction by the respondent company.

**Sd/-**  
**Naveen Verma**  
**Chairman**