

Real Estate Regulatory Authority (RERA), Bihar

Before Mr R.B.Sinha & Mr S.K. Sinha, Members of the Authority

Complaint Case No RERA/CC/48/2018

Mrs Amrita Verma.....Complainant

Vs

M/s Agrani Infra Developers Pvt Ltd through their

Director Mr Shiv Kumar.....Respondent

Present:

For the Complainant - Mr Niranjan Kumar, Husband

For the Respondent - Mr. Shashi Kumar, Manager

30/05/2019

ORDER

1. Mrs Amrita Verma W/o Mr Niranjan Kumar, Vyasnagar Housing Colony, Sector B/8, Ashiana Nagar, Patna-800025 has filed a complaint petition against M/s Agrani Infra Developers Pvt Ltd through their Director Mr Shiv Kumar under Section 31 of the Real Estate (Regulation & Development) Act, 2016 for handing over possession of developed plot no.133 having an area of 4800 sq ft, located at Dayalpur Daulat, Bihta, Patna.

Case of the complainant

2. In her complaint Mrs Verma has stated that she had got registration of plot of land (No.133) done in March, 2013 from M/s Agrani Infra Developers Pvt Ltd for a total consideration of Rs 15 lakhs. However, possession of the developed plot has not yet been handed over to her after due development of sewerage, road and electricity

connections. In support of her claim she has enclosed a copy each of the Deed of Absolute Sale dated 19/03/2013 registered with District Sub-Registrar, Patna and the Memorandum of Development Agreement dated 05/04/2013 under which M/s Agrani Infra Developers Pvt Ltd had committed to develop this plot of land within 12 months with grace period of six months from the date of registration of Sale Deed. The developer had also committed to construction and development of 30' wide road, own passage (rasta) as per lay out plan of the land of the firm along with drainage, water supply and electricity line at the cost of Rs 5 lakhs. The complainant has however claimed that no development work has been done as yet.

No response from the Respondent Company

3. In pursuance of the receipt of complaint petition, the Authority issued a notice to the respondent company M/s Agrani Infra Developers Pvt Ltd through its Director Mr Shiv Kumar for response within 30 days of receipt of the notice. However, no response was received from the respondent company. Accordingly, the Respondent company along with the complainant was called for hearing on 06/02/2019.
4. On the date of hearing while the complainant was represented by her husband MrNiranjan Kumar, no one appeared on behalf of the respondent company. The Bench decided to club the suomotu case against the company for non-registration of their project with the Authority along with this case and a notice was also issued to the Director of the Company for personal appearance.
5. On the date of next hearing i.e. 01/03/2019 a representative (Manager) of the respondent company was present. However, in course of hearing, the Director Mr Shiv Kumar did not turn up nor did he authorize any representative as stipulated in the Acts and Rules thereunder. In course of hearing it was stated by the complainant that the surroundings of the land have been changed

since March 2013 when the registry of the plot was done. Accordingly, a Deed of Correction needs to be prepared and registered again with the Registration Department before handing over possession of the plot of land. The complainant was apprehensive that in future they would face problems as the surroundings as stated in the Deed of Absolute Sale has been changed by the Developer since then. The complainant further stated that no development work has been taken up till now for this plot of land. The same may also be got done before handing over possession of the plot.

Response of the Respondent Company

6. The employee of the company who attended the proceeding, stated that as there was a bulk sale of plots to a group of individuals, intermediate changes have been made in the project that has resulted in changes in the surroundings of the allotted plot of land to the complainant. However the plot of land of the complainant was not affected

Issues for consideration

7. There is no doubt that the plot of land has been registered by the Respondent company in favour of the complainant in March, 2013. However, possession of the land after due development as committed in the Development Agreement signed by the Respondent company on 05/04/2013 with the complainant has not been handed over to the complainant. The Respondent company has also neither applied for registration nor registered their project with the Authority though the project was still “ongoing” as possession of land has not been given to the consumer.

Order

8. We, therefore, order the respondent company M/s Agrani Infra Developers Pvt Ltd to hand over possession of the plot of land immediately after getting the Deed of Correction registered with the DSR, Patna for the designated plot of land. Secondly, the development work should be completed before handing over possession of the plot of land within 90 (ninety) days of issue of this order. If the Respondent company fails to hand over the possession of developed land to the complainant within stipulated period, they would pay interest at the rate of MCLR of the State Bank of India as applicable for three years plus two percent on the amount of deposit made by complainant from the date of deposit to the date of payment of interest, in addition to the possession of developed plot of land to the complainant.

The respondent company is also directed to file the application for registration of the project with the Authority without any further delay.

Sd
(R. B. Sinha)
Member

Sd
(S. K. Sinha)
Member