

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/1051/2021

Indira Kumari.....Complainant

Vs

M/s Apoorva Awas Yojana Pvt. Ltd.....Respondent

Project: Raut City

10.06.2022

11.06.2022

ORDER

The matter was last heard on 06.05.2022.

The case of the complainant is that she purchased a flat bearing no. 302, Pocket B (Block- B) in the project “Raut City” for total consideration of Rs.26,00000/-to the respondent. The complainant has alleged that the absolute sale deed was executed between the parties on 17.06.2017, but the respondent has not yet completed the project as promised with all amenities. He has alleged that the project is also not registered with RERA. The respondent had to construct a 6 story building but has deviated the map plan by constructing 7th and 8th floor and also changed the entrance road for block B.

The complainant has alleged that only one lift has been installed instead of two lifts; there is no separate deep boring for drinking water for pocket B; no intercom facility and CCTV have been installed, no boundary wall has been constructed for block -B; Resident association for block B has not been formed and firefighting equipment has been installed by the respondent. The parking area is not yet demarcated for the allottees of block- B. The project is not completed with all amenities and the respondent has not given the completion certificate to the complainant.

Therefore, she has filed this case praying to direct the respondent company to complete the project with all the amenities as per sale deed/brochure also claimed the compensation of Rs. 5,00000/-for mental harassment and Rs.50,000/-as litigation cost.

The complainant has placed on record a copy of the absolute sale deed dated 17.06.2017 executed between the parties, and a copy of the brochure of project Raut City.

During the course of hearing the learned counsel for the complainant refuted the genuineness of completion certificate, given by the respondent though he does not produce any written evidence in support of the same and further stated that work is still pending like water supply, firefighting, demarcation of parking and construction of boundary wall is pending. The learned

counsel for the respondent had denied the allegations and stated that the matter was not maintainable. On the issue of registration of the project, he submitted that reply would be given when a suo motu proceeding for violation of Sec 3 of the RERA Act, 2016 is initiated.

Perused the records. The Bench notes that the respondent has filed a reply in compliance with the last direction of the Bench stating therein a meeting was held on 01.05.2022 with the Association of apartment regarding common work of the apartment and it has been amicably settled that out of the pending work, the major work would be completed by the builder and the rest work would be done by flat owners. The promoter is ready to construct the boundary wall on the west side (which was incomplete due to some dispute) as well as repair/or installed the 2nd lift and the rest shall be done by the flat owners.

The Bench takes note of the reply filed on affidavit by the respondent stating therein that they have reached to the amicable settlement and directs the respondent to complete the works as agreed between the parties immediately.

The Bench further directs the respondent to allot the parking space with demarcation to respective allottees of block B

within 15 days of issuance of this order and further directs the complainant to take possession of the same.

The Authority notes that a case of violation of Section 3 of RERA Act, 2016 is not made out as the respondent had booked the flat before the Act came into force and there was no necessity to register the real estate project with RERA. However, the promoter is obliged to share a copy of the approved map and completion certificate/occupancy certificate with the complainant and if the latter has any grievance she may approach the competent authority.

So far as other claims are concerned, the Bench observes that these are in the nature of compensation. The complainant is at liberty to press these claims before the court of the Adjudicating Officer.

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

Sd/-

Naveen Verma
(Chairman)