

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mr Naveen Verma, Chairman

Case No. CC/1117/2021

Awadhesh Narayan.....Complainant
Vs
M/s Apoorva Awas Yojana Pvt Ltd.....Respondent

Project: Raut City

Order

24.6.2022

This matter was last heard on 06.05.2022.

The case of the complainant is that he purchased a flat in the project “Raut City” Pocket B (Block- B) for a total consideration of Rs.43,00,000/- and the registered agreement for sale was executed on 20.01.2011. The complainant has alleged that in the Registered Agreement for Sale of the Flat No. 403 has been inadvertently written instead of Flat No. 401. He has stated that even after taking Maintenance Cost of Rs. 1,75,000 (Rupees One Lakh Seventy Five Thousand only) from each allottee the promoter has failed to provide the maintenance facilities.

The complainant has filed this case praying for execution of Registered Absolute Sale Deed in favor of the complainant for Flat No. 401, to register the project with RERA, Bihar, to complete the project and provide all the amenities as mentioned in the Development Agreement/ brochure

During the course of hearing the learned counsel for the complainant refuted the genuineness of completion certificate given by the respondent during hearing. He 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 denied this allegation. He stated that the matter was not maintainable as it was filed much after the deed was executed . On the issue of registration of the project, he submitted that suitable reply would be given when a suo

motu proceeding for violation of Sec 3 of the RERA Act, 2016 is initiated.

The Authority notes that the respondent had booked the flat before the Act came into force. It is for the promoter to establish that a case of violation of Section 3 of RERA Act, 2016 is not made out and that there was no necessity to register the real estate project with RERA. The records may be examined from that perspective and if the documents indicate violation of Section 3 of the Act, suo motu proceedings may be initiated.

Perused the records. In this matter the deed for conveyance has not been executed as yet. The promoter is obliged to execute the registered deed of transfer after the project is completed. The allottee is at liberty to approach the Authority within five years from the date of the deed of conveyance. Hence the matter is maintainable because the promoter has not fulfilled its obligation and if he has done so during the pendency of the proceedings, the matter is still covered under provisions of section 14(3) of the RERA Act, 2016.

The Authority observes that under Section 14(3) of the Act, the promoter has to ensure that all the amenities as promised in the agreement to sale/ brochure/prospectus are provided.

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 Allottees regarding common work of the apartment. 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 willing 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 affidavit filed by the respondent stating that they have settled the matter amicably. It directs the respondent to complete the works as agreed and hand over the maintenance of common areas to the association of allottees immediately.

The Bench directs the respondent to execute the Absolute Sale Deed in favor of the complainant as requested by him within

30 days of issuance of this order. The Bench further directs the respondent to allot the parking space; share the approved map and completion certificate/occupancy certificate with the complainant within 15 days of this order. If the complainant still has any grievance regarding the veracity of the certificates or deviation from the approved map she may approach the competent authority.

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

Sd/-
Naveen Verma
(Chairman)