

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/1139/2021

Alok Prakash Sinha

.....Complainant

Vs

M/s Rangolo Construction

.....Respondent

Project: Rangoli Bishswabhari Sushil.

16/08/2022

ORDER

This matter has been filed by the land owner allottee who had entered into registered development agreement with the promoter on 29.10.2008. He has sought direction on provision of water tank, installation of lift, demarcation of parking, formation of association and pending of weather coat on the external walls. The complainant has also requested for handing over the possession of flats and for completion certificate. Other reliefs in the nature of compensation have also been sought. The complainant also mentioned that the respondent had made deviation from the approved plan/map and he has not got possession as per the share agreed in the development agreement.

The respondent has filed reply stating that this complaint is barred by the law of limitation as this matter pertains to the period 2008 to 2011. The respondent stated that this matter was also raised before the Hon'ble Patna High Court on which a sole Arbitrator was appointed who has since given an award, that they have filed an appeal in the court of District and Sessions Judge which is still pending. He has stated that the building was completed in June, 2011 and with mutual consent one flat was sold by both the parties in 2015, before the Real Estate (Regulation and Development) Act, 2016 came into force. He has stated that project work was completed and the building has been in occupation and hence the matter is not maintainable.

The respondent has denied deviation in the building plan and has stated that they have handed over possession according to his share. The respondent has also stated that water tank has been installed, lift is not necessary in G+3 building, the

parking has been demarcated and the Association is already functional.

Perused the records. It is apparent from the documents filed by the complainant that he had moved before the Hon'ble Patna High Court and got award from the Arbitrator in his favour. The fact that an appeal against the award is pending has not been mentioned in the complaint petition. While the complaint is filed in Form-M addressed to the Authority, the complainant has addressed his to the Adjudicating Officer.

The complainant has not filed any counter to the reply filed by the respondent. The Bench observes that if the project has been completed in the year 2011, certainly this matter does not come under the purview of the Real Estate (Regulation and Development) Act, 2016.

The matter regarding share of land as per agreement does not fall under the jurisdiction of the Authority and in any case this matter is pending before the Court of competent Civil Jurisdiction.

The complainant has referred to the provisions of Section 14 (3) of the RERA Act, 2016. The alleged deficiency of services and amenities have been addressed by the respondent in their reply. If the complainant is still aggrieved, he is at liberty to approach the Adjudicating Officer.

In so far as, the complaint regarding deviation in the approved map/plan is concerned, the complainant may move the competent Authority i.e. Patna Municipal Corporation who have sanctioned the map and plan.

The Bench takes note of the submission of the respondent that the building was completed in 2011 and observes that they promoter should not have any difficulty in sharing the completion certificate with the complainant.

With these observations the matter is disposed of.

Sd/-

Naveen Verma
Chairman