

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

Case No. RERA/CC/1199/2021

Pavitra Pankaj.....Complainant

Vs.

M/s Grih Vatika Homes Pvt. Ltd..... Respondent

Project: - Pushp Vatika

ORDER

05.08.2022

The matter was last heard on 10.06.2022.

The case of the complainant is that he had booked a flat bearing no. 206 measuring 565 sq. ft. in the project. The complainant has alleged that the respondent has failed to hand over the possession of the flat as promised. The complainant is suffering disruption in his living arrangements and incurring financial losses due to the respondent's delay in handing over the possession of the flat, paying rent since 2017. Hence, the complainant has filed this case seeking relief to direct the respondent to hand over the possession of the flat, and also requested to impose a penalty on the respondent for the delay in delivery of possession of the flat.

The complainant has placed on record money receipts duly acknowledge by the respondent company, a copy of the agreement for sale dated 30.01.2014 executed between the parties, and a copy of the home loan sanction letter.

Perused the record. The total consideration amount was Rs. 11,49,000/- out of which the complainant had paid an amount of Rs. 9,37,430 till 2017. In the reply filed by the respondent, it has been stated that they are ready to give possession of the flat to the complainant subject to payment of extra amount for the excess area . A rejoinder has also been filed by the complainant stating therein that they are ready to pay the extra amount for said excess area subject to formal demand be raised by the respondent company.

Having heard the submissions, the Bench hereby directs the respondent company and its Director to raise a demand letter for the excess area within 15 days and after

the issuance of the same, complainant is directed to pay the remaining amount. The Bench also directs the respondent to thereafter execute the registered sale deed in favor of the complainant within 30 days of receiving the balance consideration. If the respondent fails to do so, then, a penalty of Rs.1000/- for each day of delay would be levied on the respondent.

So far the issue raised regarding the payment of interest is considered, the Bench withdraws its observations made during the earlier hearing that this falls in the nature of compensation and observes that the complainant is entitled to receive interest at the MCLR based interest rate of SBI as applicable for the period the possession has been delayed as mentioned in the Agreement for Sale.

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

Sd/-
Naveen Verma
(Chairman)