

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mrs. Nupur Banerjee, Member

Complaint Case Nos. CC/1245/2020

Bimal Narayan Mishra.....Complainant

Vs

M/s Raman & Kumar Construction Ltd.....Respondent

Project: Mala Apartment

For Complainant: Mr. Sharad Shekhar , Advocate

For Respondent: Mr. Sumit Kumar, Advocate

30/06/2022

ORDER

The present complainant had been filed under section 31 of the Real Estate (Regulation and Development) Act, 2016 by the complainant Bimal Narayan Mishara, seeking following below relief:-

- I. To direct the respondent to get RERA Registration of the Project, namely, 'Mala Apartment'.
- II. To direct the respondent concerned to execute Absolute Registered Sale Deed against the flat to the Complainant.
- III. To direct the respondent concerned to complete the project and provide all the amenities as mentioned under the said project and as committed under the terms of Agreement for Sale.

The matter was last heard on 23-05-2022 and after hearing both the parties, the order was kept reserved.

The complainant in his complaint petitions dated 09-03-2020 has stated that the present case is being filed to direct the respondent to complete the Project namely, Mala Apartment situated at Patel Nagar and to execute Absolute Sale deed in favor of the Complainant against the Flat No. 101, having measuring area of 1160 sq. ft. and an exclusive parking area at ground floor with amenities as mentioned under the Agreement for Sale and possession letter dated 14/05/2009. It has been further submitted that the respondent has executed Agreement for Sale Deed and issued a possession letter dated 14/05/2009 in favor of the complainant against Flat No. 101 with a reserved parking space at ground floor with total consideration money of Rs. 9,00,000 (Rupees Nine Lakh only) which the Complainant has deposited as evident from the description in the Agreement for Sale Deed (Annexure 1 Series). It has also been further stated that the Respondent has given assurance to provide well planned society with the facilities of good drainage system, Electricity, etc. as mentioned under the said project but had not yet completed and provided the same. It has also been submitted that Completion Certificate has also been not provided to complainant by the respondent. Hence, filed present complaint case.

Accordingly, a notice dated 03-07-2020 was sent to the respondent company through under Section 31 of the RERA Act and Rule 36 of the RERA Rules 2017 to appear and file their reply.

Perused the record of case. No reply has been filed on the behalf of respondent. However, learned counsel for respondent remained present during the course of hearings.

Several hearing has taken place in the present matter.

During the last hearing on 23-05-2022, learned counsel for the complainant has submitted that the respondent was directed during the hearing on 11-04-2022 to execute the absolute sale deed in favor of the complainant within the stipulated time. It has been further submitted that the complainant has already paid the registration money. Learned counsel further submitted that even complainant has paid current revenue to the registration authority. Learned counsel also submitted that four time directions have been issued but they have not executed the sale deed. Penalty may be imposed for their illegal conduct.

Learned counsel for the respondent has submitted that the challan has been submitted before the Registry office.

The Bench takes notes that on various hearing respondent was directed to execute the sale deed but respondent has not complied the direction of the Authority, hence, a penalty of Rs.10,000/- is imposed upon respondent for the non compliance of the direction of the Authority.

After going through the records of case and submissions made by both the parties, the Bench observes that Agreement for Sale is already executed in the favor of complainant and possession letter has been issued to complainant on 14-05-2009 but till date the Sale Deed is not executed by the respondent, hence, the Bench directs respondent to execute the sale deed within 15 days, failing which penalty of Rs.1000/- per day will be levied upon respondent till the sale deed get executed.

So far the issue of remaining work and amenities are concerned, the Bench observes that respondent has not denied the same during the course of hearing, hence, the Bench directs respondent to complete all the pending works in building and provide all the amenities

and facilities as per the Sale Agreement within 2 months.

The respondent is also directed to get registered the project with the Authority as the project is ongoing. If the application for registration is not filed immediately then suo-moto proceeding shall be initiated against respondent company under section 3 of the Act.

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

Sd/-

**Nupur Banerjee
Member**