

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

RERA/CC/1646/2020

NiveditaComplainant

Vs

M/s Vision Land Pvt. Ltd.Respondent

04-08-2022

Order

10-08-2022

Hearing taken up on 4.8.2022.

The complainant is present in person. Learned Counsel Mr. R. K. Shrivastava and M.D. for the respondent are present.

The complainant submits that the parking has not been allotted till date; the promoter has not facilitated formation of association of allottees and the project is not yet complete.

The learned counsel for the respondent submits that out of four lifts three have been installed and for installation of transformer money has been deposited to the concerned department. He further states that the parking space has been demarcated.

The complainant refuted the submissions of the learned counsel of the respondent.

The Bench had earlier suggested that the allottees and the promoter should hold a meeting for formation of association of allottees and after formation of association of allottees send intimation to the Authority jointly signed by both the parties.

A supplementary affidavit has been filed by the respondent stating therein that the work is in progress in respect of the common amenities. On the issue of formation of association, it has been mentioned in the affidavit that some land owner's allottees had interrupted the meeting which was held on 26.06.2022.

The Bench observes that the Association of allottees could be formed by majority of votes which can be sent to the promoter with the signature of all the allottees who agree with the election of office bearers. Further steps may be taken by both the allottees and the promoter and Association of allottees representing 50% of the allottees can then take charge of the common area.

The Learned counsel for the respondent draws attention to the order passed in CC/361/2019 regarding relaxation of ban on registration of unsold apartments in the project. This Bench recalls its observation on the earlier date after consultation with the complainants present on that date that would not have any objection to the ban on the registration of unsold flats being lifted provided the fund received from such sale is firstly used for completion of common pending amenities as per agreement for sale and brochure. However, since that matter is pending in the Bench of Member, Mrs. Nupur Banerjee, this Bench cannot give any directions on this issue. The promoter may raise this before that Bench.

The M.D. of the respondent submits that he will provide all the amenities by 31/10/2022.

The Bench observes that the promoter has to complete all the work of the common areas and provide all the facilities and amenities of the common areas which can be used by all the allottees of the building/apartment as these facilities are the part and parcel of the project. The promoter would hand over these to the association for maintenance.

The Authority directs the respondent company to complete all the remaining works in the building and provide all the facilities as mentioned in the prospectus, brochure of the project and agreement for sale as well as in Sale deed 31/10/2022. The promoter is directed to allot the parking space with demarcation to respective allottees within 30 days of issuance of this order.

The Complainant refers to the last date proceeding and submits that the ad-hoc association consisting of 35 members. He reiterates that the office of the Allottees Association has been locked.

The promoter submits that one Ravi Kishan has purchased two flats from the land owner who has locked the office.

Mr. Ravi Kishan is directed to hand over the keys to the promoter within 15 days. If he fails to do so the promoter may get the lock broken in presence of independent witnesses and Panchnama should be made.

Learned counsel for the promoter submits that it would be proper that the allottees themselves sit together and come to the conscious of association and bye-laws of the respondent company who would facilitate the allottees association. The promoter would then handover the common areas to the allottees for maintenance as per conditions of agreement to sale.

The complainant is at liberty to approach the Adjudicating Officer for appropriate compensation as provided in Section 14(3) of the RERA Act, 2016.

With these directions the case is disposed of.

Sd/-
Naveen Verma
Chairman