

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mr Naveen Verma, Chairman**

**Case No. RERA/CC/380/2021**

**Mihir Jha**

**.....Complainant**

**Vs**

**M/s Vision Land Pvt. Ltd.**

**.....Respondent**

**Project: VISION GALAXY**

**Present: For Complainants: In person**

**For Respondent : R.K. Srivastava, Advocate**

**Harsh Kumar Singh, Director**

**13/06/2022**

**ORDER**

Hearing taken up. Complainant is present in person. Mr. R.K. Srivastava, learned counsel and Mr. Harsh Kumar Singh, Director of the respondent company are present.

The complainant submits that the respondent company has not yet formed a society for maintenance of common areas. The completion certificate/ occupancy certificate has not yet been submitted by the promoter as there are incomplete works in the project. The complainant submits that as per the agreement, four lifts were to be installed. However one lift is yet to be installed and out of three lifts, one lift is not functioning. He also submits that sewerage, drainage, lifts installation, parking, boundary wall and adequate transformers are yet to be provided by the respondent company. The complainant submits that only 30 persons have formed an informal society whereas there are 119 allottees in the project .

The learned counsel for the respondent company submits that he has not received the copy of complaint petition till date. The learned counsel further submits that the complainant has been residing in his respective flat which has been duly registered. He further submits that the respondent company is trying to complete the project with full facilities and amenities and that more than 70% of the works shown to be incomplete on the last date have been undertaken.

Mr Harsh Kumar Singh, Director of the respondent company submits that she has bought the flat from the land owner. He assures that all the pending work as per the agreement to sale/ brochure shall be completed within two months. He further submits that the parking area would be allotted and all the allottees are welcome to attend the meeting scheduled to be held on 26.06.2022 and after the formation of society, they can take over the maintenance of common areas.

The Bench takes note of the submissions of both the parties.

The Bench observes that although the land owner is an allottee under the Bihar RERA Regulations, 2021 the complainant is covered under the definition of 'allottee' as given in the Real Estate (Regulation and Development) Act, 2016. The persons who have purchased the flat from the original allottee and all subsequent sales till the project is completed are 'allottees' under the Act and they have equal rights and privileges as those persons who have bought the flat from the promoter. The respondent company is directed to intimate the complainant as an allottee of the project about the scheduled meeting on 26.06.2022 so that she can participate in the formation of the association of allottees.

The respondent company is directed to complete the project with full facilities and amenities by 13.08.2022 failing which penalty of Rs 5,000/- will be imposed for each day of delay.

With above observations and directions the matter is disposed of.

Sd/-

**Naveen Verma**

**Chairman**