

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Telephone Bhavan, Patel Nagar, Patna-800023.

Before the Bench of Mrs. Nupur Banerjee, Member

Case No. CC/501/2019

Sulav Kumar Singh.....Complainant

Vs

M/s Asha Construction Pvt. Ltd.....Respondent

Project: Tauheed Nagar City

For Complainant: Mr. Raju Kumar, Advocate

For Respondent: Mr. Sumit Kumar, Advocate

ORDER

30/06/2022

The matter was last heard on 23-05-2022.

The case of the complainant is that the complainant has requested the promoter to provide the copy of completion and the occupancy certificate obtained from the Patna Municipal Corporation but the promoter has not provided the same even after several requests. He further submitted that the respondent has also not handed over all the common areas to the allottees of association. He further submitted that a room is constructed in the parking space which is used by them and there is illegal construction over the roof for which a case was filed in the Patna Municipal Corporation and accordingly notice was issued to respondent. He further submitted that drainage system has also not been constructed by the respondent in the building and Lift, electrification etc. is totally ruined in the building. Therefore, the present complainant is filed seeking relief to direct the respondent for the issuance of occupancy certificate and building completion certificate to the flat owners and another documents of building under section 19(1), (2), (3) and Section 17(2) of the RERA Act, 2016. Complainant has also prayed to direct the respondent to complete the remaining works of building.

Perused the record. No reply has been filed by the respondent and despite notices issued to respondent, respondent has not appeared.

The Bench observes that under section 17(2) of the RERA Act, 2016, responsibility is upon the promoter to hand over the necessary documents plans, including common areas, to the association of the allottees or the competent authority within 30 days after obtaining the occupancy certificate . Further the Bench also observes that under section 19 of the Act certain rights were given to the allottees for which allottees are entailed to claim from promoter.

Considering the above observation, the Bench hereby directs respondent to perform his obligation casted under the above stated sections and provide a copy of completion certificate and occupancy certificate to the association of allottees as well as to complainant and also hand over the common areas to the association of allottees.

The Bench also directs respondent to complete the remaining works of building and provide all the amenities and facilities within 60 days of issuance of this order. If the respondent fail to do so then a penalty of Rs.2,000/- per day will be imposed upon the respondent.

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

Sd/-

Nupur Banerjee
Member