

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

Case Nos. RERA/CC/678/2019

Ram Nandan Prasad

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - IOB Nagar, "Main Phase"

ORDER

08.08.2022

18-08-2022

The matter was last heard on 21.06.2022.

The case of the complainant is that he entered into development agreement with M/s Agrani Homes Pvt. Ltd. for the land located at (Plot no. 1410,1411,1412,1413,1423, Thana 44, Sarari village, Shahpur Thana, Patna). As per the terms of the agreement, the complainant was entitled to get 40% share of the total flats constructed on the land. The project was supposed to be completed within 3 years from 16.03.2011 with a grace period of 6 months and in case of delay in completion of the project, the share of the land owner will be 5% for every 6 months of delay.

Even after 7 years only partial construction has taken place. The complainant failed to contact the respondent and has lost all his faith in the company and no longer wants to wait for completion of the project.

The complainant has filed the present case seeking relief for cancellation of the deed dated 25.09.2012 and to release the land from the terms of the contract.

The Bench notes that despite notices issued to both the parties none of the party appeared before the Bench.

Perused the records. The Bench observes that this is a matter for cancellation of development agreement executed between the land owner and the promoter; and handover of shares of the partially constructed apartments. The complainant has not specified the name of the project. It is for the complainant to ascertain the name of the project which was to be constructed on the land in question. The Authority could have entertained his request if the project is specified, map is approved and the land owner is an allottee of the project.

The Bench, therefore, observes that this matter is not maintainable and the Authority has no jurisdiction to consider the prayer of complainant for the cancellation of registered development agreement. The grievance of the complainant is to be settled by the competent court of Civil Jurisdiction.

With these observations, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)