

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Case No.CC/962/2021**

**Umesh Chandra Verma .....Complainant**

**Vs**

**M/s Kanishka Buildcon Pvt. Ltd.....Respondent**

**Project: Vidyanand Maheshwari Complex**

**Present: For Complainant: Mr. Manoj Kr. Srivastava**

**For Respondent : Mr. Puneet Siddhartha, Advocate**

**27/05/2022**

**Order**

Hearing taken up. The complainant is absent. Mr. Puneet Siddarth, learned counsel for respondent is present.

Learned counsel for the respondent submits that the complaint is regarding the common area facility and painting work. The sale deed has been executed in his favor. The possession has already been given. The remaining works are to be completed and for which they need time. He also pray that in similar case of same project, the Hon'ble bench of chairman has passed the order with certain directions.

The Bench notes the submission of respondent and after perusal of case record, the Bench observes that present case is filed by the complainant seeking relief to direct the respondent to complete the remaining work and full fill all claims which is mentioned in sale deed.

During the course of hearing on 10-01-2022, learned counsel for complainant has submitted that the flat was purchased on 24.08.2018, flat no. 401 on 4th floor. He further submitted that at the time of booking the flat was in the finishing stage and registration was completed. He further submitted that the builder informed that the possession will be handed over within 2 months. He further submitted that after 2 months he came to know that the builder has not completed the plaster work and only one coat was done despite that the complainant took the possession. He further informed the Bench that till date the plaster work is incomplete for which he has submitted the photographs. He further submitted that there is damp in the walls, lift is not working properly, parking has not been allotted, no drainage system, no fire system and no guard.

During the hearing on 10-01-2022, the respondent has prayed for time to file reply.

Perused the records and the Bench observes that the respondent has filed their reply on 28-02-2022 stating therein that respondent had duly handed over the possession of the flat to complainant in the year 2018 itself after execution of Absolute Sale Deed dated 24.07.2018 and at that time, no issues were raised by the complainant in regard to the plaster of the flat. It has been further submitted that the respondent company has already provided the parking space to the complainants and has allotted the Parking Space to the other flat owners as well. It has also been submitted further that the complainant may sign and collect the parking allotment letter by coming to the office of the respondent company. It has also been submitted that the respondent had done the paint in the year 2015-16 itself but with time the same has faded and the work of repainting the walls have already begun and the painters who have undertaken the work have assured that they would complete the same within 3-4 months. It has been further submitted that Mr. Praveen Kumar, Director of the Respondent Company is not keeping well and consequently, was hospitalized in Max Super Speciality Hospital, Ghaziabad as he was suffering from Hepatomegaly with Grade - I fatty infiltration and Prostatomegaly diseases, thus, due to such medical emergency, there has been some delay in getting the work completed timely.

The Bench notes the submissions of both the parties in view that it is not in dispute that complainant has got the possession of flat and also the sale deed is executed and complainant is residing therein the building but till date some works in the common area as well as many other works like plaster work is incomplete, no drainage system is there, no fire system and no guard is provided in the building etc. stated in the complaint petition have not been done by the respondent. It is also stated that parking space is not allotted to the complainant.

The Bench observed that the respondent is duty bound 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 as these facilities are the part and parcel of the project

Considering the above observations, the Bench hereby directs the respondent company to complete all the remaining works in the building as well as in the flat of the complainant as stated in complaint petition and provide all the facilities as mentioned in the prospectus/ brochure of the project as well as in Sale deed within four months from the date of this order. If the respondent fails to complete the works in 4 months, then a fine of Rs.1,000/- for each day of delay would be imposed.

The Bench further taking the notes of respondent submissions that parking allotment has been done in the building directs respondent to issue the allotment letter of parking space with demarcation to complainant within 15 days of issuance of this order and further directs the complainant to take the possession of the same.

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

Sd/-

Nupur Banerjee  
Member