

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr Naveen Verma, Chairman,
& Mrs Nupur Banerjee, Member**

Case No.CC/1432/2020

Aditya Kumar.....Complainant

Vs

M/s Design Lok Developers Pvt Ltd.....Respondent

Project: SHIV LOK

**Present: For Complainant: In person
For Respondent : Mr RB Sah, Advocate**

HEARING THROUGH VIDEO CONFERENCING

16/07/2021

PROCEEDING

Hearing taken up. The complainant is present. Mr R.B. Sah, learned counsel of the respondent company is also present.

The complainant has filed the present case for a direction to the respondent company to provide CC, building plan approval, drain line to be connected to the sewerage network, there is waterlogging beneath the lift and there is no proper road for apartment. He also mentioned that the apartment association was not registered and that they had disconnected his water supply.

The learned Counsel for the respondent has filed his reply stating therein that the case of the complainant is not maintainable under the RERA Act as this project was under 500 sq metres and that the project was completed before RERA came into existence, . He stated that the complainant has not raised any specific grievance against the promoter under Section 31(1) of the Act, rather he has issues with the association of allottees with which the respondent company is not concerned. Since association of allottees has been formed and is functional, maintenance of the project is to be carried out by the association and this responsibility does not lie on the part of respondent company. It has been further submitted that the project was already completed before the commencement of RERA Act and completion certificate to that effect has already been obtained and whatever demand is being made by the complainant can be provided to him as and when he visits the Office of the respondent company.

On the other hand, the complainant stated that he has requested the respondent to provide the said details many times but, till now, it has not been provided to him.

After hearing the arguments from both the parties, the Authority observed that though the project is constructed below 500 sq mtrs, but, it has 15 flats, therefore, it comes under the purview of RERA. The Authority observed that Section 11(1) and Section 11(4)(c) prescribes about the liability

of the respondent company. Under the Act the promoter has to make available the required documents like building plan, completion certificate issued by the competent authority to the allottee and since the respondent company is willing to do so, the complainant may obtain these from them. The common areas and services have to be maintained by the association of allottees , whether registered or not, and the complainant is directed to approach them for any grievance, In case any deficiencies in terms of the amenities provided as compared to the agreement are observed by the complainant , he is free to approach the promoter under Section 14(3) of the Act.

With these directions, the case is disposed of.

Nupur Banerjee
Member

Naveen Verma
Chairman