

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/327/2021

Sunita Devi

.....Complainant

Vs

M/s Geetraj Construction Pvt. Ltd.

.....Respondent

Project: Shashwat Mansion

ORDER

4.7.2022: This matter was last heard on 11.2.2022 and was posted for orders on 25.3.2022. However, due to pre-occupation of the Bench in other matter order could not be pronounced.

In this matter detailed interim order was passed on 6.1.2022 in which the facts of the case are mentioned.

The complainant was requested to produce evidence of agreement signed by the respondent with respect to project for possession for which they have filed the matter. The complainant has not filed evidence to this effect.

The respondent has submitted on oath that the money shown by the complainant is for another project with which the respondent is not associated. He has further submitted that the respondent company is willing to refund Rs. 5 lakh to the complainant.

The Authority after notes the submissions concludes that the provision of Real Estate (Regulation and Development) Act, 2016 are applicable only after the relationship between the promoter and allottee is established by evidence like booking letter, prospectus, agreement to sale and related money receipts etc.

In this matter no evidence has been shown to submit that the complainant has made payment to the respondent for the project.

Hence the Authority cannot give direction as it has not been established that payment was made as an allottee for a real estate project to the promoter. The issue of payment having been made or not or whether the affidavit is shown is false or not may be raised before the court of competent Civil jurisdiction.

With this observation the case is disposed of.

Sd/-

Naveen Verma
Chairman