

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/941/2021

Nurool Haque

.....Complainant

Vs

M/s Arundeo Developers Pvt. Ltd.

.....Respondent

Project – Haque Encalve

ORDER

4.7.2022: This matter was last heard on 11.2.2022 and was posted for orders on 21.3.2022. However, due to other pre-occupation of the Bench order could not be pronounced.

This matter has been filed by the complainant for giving directions to the respondent to complete the project with all amenities particularly, Diesel Generator set, firefighting system; development of apartment and also formation of Association of Allottees. The complainant has filed copy of the Absolute Sale Deed executed on 28.4.2016 in his favour.

During hearing, the complainant submitted that the construction of flat is completed but the completion certificate is not given to him. He also submitted that letter of possession has not been handed over.

The learned Counsel for the respondent has submitted that the complaint was filed after a lapse of five years from the date of execution of Sale Deed and that the project has been completed before that. The complainant in his rejoinder has submitted that while the project was registered after taking entire consideration amount the promoter has not completed construction. He has filed copy of letter sent to promoter regarding deficiencies in the flat.

The respondent has not denied the deficiencies in the common area and that the Allottees' Association has not been formed. The provisions of Real Estate (Regulation and Development) Act, 2016 imply that the Deed of Conveyance should be executed after the project is completed and the completion certificate/ occupation certificate have been obtained and thereafter a period of five years is presumed to raise the deficiencies and defects as per Section 14(3) of the RERA, Act. In this matter the complainant has alleged that the flat was registered before the completion of the project and the amenities in the common area were not provided. The respondent has not denied this specifically. The promoter is obliged to form an association of allottees to whom the common areas are to be handed over. This has also not been fulfilled by the promoter.

The promoter is, therefore, directed to complete the remaining works in common areas and facilitate formation of association of allottees within 30 days from the date of order.

The complainant is at liberty to move for compensation before the Adjudicating Officer as provided under Section 14(3) of the RERA, Act regarding the deficiencies pointed out and those mentioned in brochure.

With directions/observations the matter is disposed of.

Sd/-

Naveen Verma
Chairman