

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr R.B. Sinha, Member

Case No.CC/984/2020

Md Ehsanul Haque.....Complainant

Vrs

M/s Star India Construction Pvt Ltd.....Respondent

**Present: For Complainant: In Person
For Respondent : Mr Mohd Imtiyaz, Advocate**

19/04/2021

ORDER

1. Md Ehsanul Haque S/o Md Nazirul Haque, a resident of 4, Anne Marg, Patna -800001 has filed a complaint petition on 27th Jaunary 2020 against M/s Star India Construction Pvt Ltd under section 31 of the Real Estate (Regulation and Development) act 2016 for handing over possession of the 3 BHK flat no- C/308, booked by him in the Project Shiv Bhajju Vihar without any further delay. He has also requested for the compensation for the inordinate delay made in completion of the project. He has also requested for direction to the promoter to provide alternative accommodation to him without any rent till handing over of his allotted flat.

Facts of the Case of the Complainant

2. In his complaint petition, the complainant has submitted that he had booked a 3 BHK Flat No.-308/C on third floor in the Project Shiv Bhajju Vihar situated at Paharpur, Anisabad, Patna at the total cost of rupees fifty lakh, seventy four thousands and three hundreds only (Rs 50,74,300.00) and executed a registered Agreement for Sale with the respondent company M/s Star India Construction Pvt Ltd vide Deed No. 1313/2017 on 18/02/2017. As per the registered agreement, the builder was required to

hand over the flat by December, 2017 with a grace period of six months. He further submitted that he has taken a housing loan of Rs 40,54,000/- on 15/03/2017 and paid approximately 90% of the consideration amount. He has retired on superannuation on 30/11/2019 and needs the flat immediately. He has requested that the builder may be directed to hand over the flat with compensation for the fault of builder. As an interim measure, he has requested for direction to the promoter to provide alternative accommodation to him without any rent till handing over of his allotted flat.

3. Accordingly, a notice was issued on 11/06/2020 under Section 31 of the Real Estate (Regulation & Development) Act 2016 and Rule 36 of the Real Estate (Regulation & Development) Rules 2017 to the respondent company to submit their response/reply by 08/07/2020. As the respondent company didn't furnish any response to the notice issued by the Authority, the respondent company was directed on 21.10.2020 to appear before the Bench for virtual hearing on 18.11.2020. However, Hearing was adjourned due to illness of the Member

Hearing:

4. Hearing was held on 13/01/2021 but no one appeared on behalf of the complainant. In course of hearing, the respondent company was represented Mohd Imteyaz, Advocate. Learned counsel of the respondent company submitted that the flat was virtually ready and the respondent company was ready to issue possession letter to the complainant for taking possession of his flat.
5. The Bench directed that the respondent company to hand over the possession letter of the flat as soon as possible and further directed both the parties to submit compromise petition within 10 days after settling the matter. However, no compromise petition has been received.

Order :

6. The Bench orders the respondent company to hand over the possession of the flat no C/308 in the Project Shiv Bhajju Vihar within thirty days of

issue of this order. If there is any further delay, the complainant may be paid Rs five per square feet per month by the respondent company with effect from 19.05.2021 till handing over of his allotted flat.

7. As regards the compensation, the petitioner may, if he so desires, approach the Adjudicating officer, appointed under section 71 of the Real Estate (regulation and Development) act 2016.

Date: 19.04.2021

Sd/-
R.B. Sinha
Member