

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Chairman**

**Case No. CC/1097/2021**

**Anurag Singh..... Complainant**

**Vs.**

**M/s Raunak Vatika Pvt. Ltd..... Respondent**

**Project: Raunak Village**

**INTERIM ORDER**

**19.05.2022**

This matter was last heard on 22.04.2022.

The case of the complainant ( landowner-allottee) is that his father Mr. Madan Mohan Singh entered into a development agreement with the respondent company on 17. 10. 2015. The Project ‘Raunak Village’ has been constructed over plot no. 329 ( part), khata no. 151 admeasuring 667.72 sq.mt at mauza – kothwan , Danapur. He alleged that the respondent has not handed over the possession of the landowner’s share of flats and further stated that respondent is liable to pay the penalty to the complainant for the delay in handing over the possession of the flat.

The complainant has placed on record a copy of the development agreement dated 17.10.2015.

During the course of hearing, the complainant raises the issue as to whom the payment of GST is to be made - the respondent company or the Government.

Perused the records. The Bench observed that despite specific direction respondent has failed to file reply within the allotted time.

However, respondent has filed his reply through email on 18.05.2022 and enclosed a copy of letter sent to the respondent for the possession of flat and reminder notice of the same. The respondent, refuted the allegations made by the complainant and stated that nothing is written about the nature of the complaint. The delay in handing over the possession of flat and shares of landowner is due to the non- payment of GST/ taxes on the part of the complainant. Further, pointed out that as per clause no. 27 of the registered development agreement the complainant is liable to pay all kinds of taxes imposed either by the central government or state government on their share of flats.

It is stated that 13 flats belong to the complainant and three letters has been sent to the complainant reminder notice dated 14.09.2021 and 29.09.2021 and a legal notice on 19.10.2021 for the deposit of GST and maintenance charges and take the possession of their share of flats and the project has been registered and competition certificate has been sent in 2020.

The Bench observes that a reference may be made to GST Authorities seeking clarification on the rate of applicable GST and by whom GST to be paid. The Bench directs the office to send a communication both the Central and State GST department for the same.

Meanwhile an opportunity is given to the complainant to file his response/rejoinder on the reply filed by the respondent.

List for hearing on 13.6.2022.

Sd/-

**Naveen Verma**  
(Chairman)