

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Mr. Naveen Verma, Chairman,
Mrs. Nupur Banerjee & Mr. S.D. Jha, Members (RERA), Bihar.

Case No. RERA/CC/1586/2020/RERA/AO/536/2020

Santosh KumarComplainant

Vs.

M/s Agrani Homes Pvt. Ltd.Respondent

PROJECT: IOB NAGAR, BLOCK -J

ORDER

22.11.2022 The aforesaid case was last heard on 17.11.2022 and fixed for order.

The case of the complainant is that he booked Flat no:- G04 at ground floor in I.O.B. Nagar, J-Block and entered into an agreement for sale on 28.03.2017 for a total consideration of Rs. 27,13,388/-.

The case was filed in Form-N before the Adjudicating Officer who transferred the said case before the Authority in view of recent judgment passed by the Hon'ble Supreme Court because the complainant in her petition had prayed for delivery of possession of flat.

In the interim order dated 30.08.2022, the complainant sought possession of flat and interest for delayed period.

None appeared either on behalf of the complainant and respondent on 19.09.2022, 14.10.2022, 09.11.2022 and 17.11.2022 in spite of notices having been issued, hence, the present case is being disposed of on the basis of materials available on record of the case.

The Authority notes that in the interest of allottees, particularly those who have filed complaint cases, the promoter had been given time to complete the project in respect of different blocks. The Full Bench of Authority vide Order dated 09.10.2020 passed in RERA/CC/168/2019, extended the

registration of real estate project IOB Nagar J Block till 15.07.2021.

The Authority in the other cases of J-Block had earlier passed the following orders:-

The Bench takes note of the assurance of the respondent to complete the project within six months and observes that if the project is not completed by 27.07.2022, a fine of Rs 10,000/- per day would be levied on each day of delay.

Perused the records of the case. No reply on behalf of the respondent has been filed. In spite of the opportunity granted by the Authority for completion of the said project by 15.07.2021 which was subsequently extended to 27.07.2022, the respondent has failed to complete the said project.

The Bench recalls its direction dated 27.01.2022 wherein the allottees of J-Block had made following submission:-

Mr. Rajesh Kumar, learned counsel appearing on behalf of Association of Allottees submits that society of majority of the allottees in J Block has been formed but has not been registered. The learned counsel further submits that although some of the allottees wanted refund earlier but due to changed circumstances all of them now want possession of flats for which they are ready to file affidavit amending the relief sought by them. The learned counsel has requested that the respondent may be directed to expedite the work since the allottees are ready to co-operate with the company in completing the project.

The complainant has placed on record money receipt of Rs. 6,41,290/-. Both the promoters and the allottees are expected to abide by the terms of agreement of sale. If the complainant has not made payment as per the schedule of construction given in the schedule he is required to abide by the terms of agreement for sale as provided under Section-19(6) of the Act to make payment of the consideration amount to the promoter to complete the flat and hand over possession to the complainant.

The promoter is reminded of his undertaking to complete the project and pay additional interest. The penalty of Rs 10,000/- per day is to be treated as additional interest to be paid by the promoter to be distributed among the complainants of this block, in addition to the interest to be paid from the date on which possession was to be handed over as mentioned in the agreement to sale.

So far as claim of compensation is concerned, the complainant is at liberty to approach the Adjudicating Officer.

With the aforesaid observations and directions, the matter is disposed of.

Sd/-

S.D. Jha
Member

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman