

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/CC/513/2019

Akhilesh Kumar

...Complainant

Vs.

M/s DDL Infratech Pvt. Ltd.

...Respondent

Project: Agrani Woods, village Pakrandha

03/02/2023

ORDER

The matter was last heard on 20.12.2022 and was fixed for orders on 09.01.2023. However, due to pre-occupation of the Bench in other matter, order could not be pronounced on the date fixed.

This complaint petition has been filed seeking relief to direct the respondent to provide physical possession of land in question with all amenities as committed under the terms of sale deed dated 02-03-2015. The complainant also seeks to direct the respondent to compensate by paying interest @10% on the total value of land for delay in delivery of the possession of the plot and to pay compensation of Rs.25,000/- for inconvenience, harassment and mental torture. Complainant has also prayed to direct the respondent to pay Rs.25,000/- as the litigation cost.

In short, the case of the complainant is that the respondent has executed the Sale Deed No. 1806, dated 02-03-2015, in favour of complainant for the plot measuring 2722 sq. ft. on a consideration amount of Rs. 7 lakh after the payment of full consideration amount. It is further stated that respondent has given assurance to provide well planned society with the facilities of good drainage system, electricity etc. but when complainant approached the respondent to enquire about the latest development regarding the plot in question, no satisfactory response has been made by the respondent. It is further stated that the complainant has given several reminders to the respondent to settle the matter but no step has been taken by them. It is also stated that after the lapse of more than 4 years and after several requests the plot has been not handed over to complainant with development. Hence, this complaint.

Perused the record of the case. The complainant has filed a petition on 23.06.2022 with regard to the present status of plot no. 25

along with the photograph showing the plot, road condition, drain and street light in front of the plot.

The respondent has filed its affidavit dated 28-06-2022 along with photographs showing the development at project site. It has been submitted by the respondent in affidavit that in compliance of the court order, the respondents have been offered Company Plot No. - 25 and possession has been handed over to complainant. It has been further submitted that respondent has completed the provision of 30ft. Wide Road, Layout of Drainage, Water Supply and Electricity as per the agreement. It has been further stated that respondent has developed the land as per the agreement and in proof, the photograph is attached here with, for perusal and needful.

During the last hearing, learned counsel for the complainant has submitted that the rectification has been done but development has not been made.

Learned counsel for the respondent has submitted that the development has been made and an affidavit with photographs showing development works is already filed and has been brought on record.

In the light of the submissions advanced by learned counsel for the parties and documents placed, this Bench deals the issue raised in the present complainant in the following manner: -

As regards the possession of plot, the Bench takes notes of submissions of respondent on affidavit as well submissions made by the parties during the course of hearings that possession of plot has been handed over and observes that this issue has been addressed and complied by the respondent.

As regards Development is concerned, the Bench takes notes of photographs showing development of the project, placed before the Bench by the parties during the course of hearing with batch of cases of this project as well as many photographs and videos of the project indicating development shown during the course of hearings with batch of cases of this project as well as photographs placed on record by respondent and observes that it cannot be said that no development work has been done by the respondent at the project site but yes, few more works are needed to be done at the project site to say that project is complete and developed in all respect, hence, taking notes of validity period of registration of the project is from 25-10-2019 to 31-12-2024, the Bench, directs respondent to complete the work of development at the project sites required to be completed as per agreement within the

validity period of project or as soon as possible, so that, complainant/allottees can stay/ live there in better environment.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

With these directions and observations, this complaint petition is disposed of.

Sd/-
Nupur Banerjee
(Member)