

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Complaint Case No. RERA/CC/624/2019**

**Sunil Kumar.....Complainant**

**VS**

**M/s DDL Infratech Pvt. Ltd.....Respondent**

**Project: Agrani Woods, Village - Aktiyarpur**

**For Complainant: Mr. Uday Bhan Singh, Advocate**

**For Respondent: Mr. Rabindra Kumar, Advocate  
Mr. Shiv Kumar, M.D.**

**05/12/2022**

**ORDER**

The matter was last heard on 10.11.2022.

1. This complainant petition has been filed seeking relief to direct the respondent to provide physical possession of land with all the amenities as committed under the terms of sale deed no. 13361, dated 18-04-2013. Further 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.
2. In short, the case of the complainant is that the respondent has executed the Sale Deed No. 13361, dated 18-04-2013, in favor of complainant for the plot measuring 2722 sq. ft. on the

consideration amount of Rs. 19,00,000/- after the payment of full consideration amount. It has been further submitted that respondent has given assurance to provide well planned society with the facilities of good drainage system, electricity etc. but when complainant approached the plot, no development found as per deed and asked for physical possession. It has been further submitted that after the passing of years and several requests to respondent, the plot has been not handed over to complainant with development. Hence, this complaint.

3. Perused the record of the case. The respondent has filed an application on 20-09-2022 along with copy of exchange deed and receipt of map submitted before Patna metropolitan, Patna and prayed to dispose of the case in the light of submissions made.

The Bench takes the notes of committee report dated 18-02-202 placed on record for kind perusal as submitted by the committee went for inspection as per the direction of the Authority by giving their findings therein.

The Bench notes that no affidavit showing development at the project site has been filed by the complainant as directed during the course of hearings.

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 issue of maintainability raised by the respondent is concerned, the Bench notes that respondent has not filed submissions as per the last direction. The Bench further considering that project is registered with Authority and the plot against which sale deed is executed is of the respondent's project and respondent has acted and executed exchange deed on the issue of complainant raised herein complaint. Hence, considering that plot is of respondent's project and the project is registered with

Authority, the Bench find the present complaint maintainable and falls within the ambit of RERA Act, 2016.

As regards the possession of plot, the Bench takes the notes of exchange deed placed on record by respondent as well as the submissions of the parties in respect to the same during the last hearing and observes that the grievances of the complainant has been addressed and complied by the respondent.

As regard Development is concerned, the Bench takes the notes of photographs showing development of the project, placed by the respondent as well as by the allottees 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 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 the 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**