

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No.: CC/750/2021

Dr. Shobha Singh.....Complainant

Vs.

M/s Jai Maa Gayatri Builders Pvt. Ltd.....Respondent

Project: Holi Ganga Enclave

ORDER

24-01-2022 The matter was last heard on 22.11.2021.

The case of the complainant is that she is in peaceful possession of the flat bearing Flat No.30, in Holi Ganga Enclave, Project and on 27-06-2017, the respondent has executed the sale deed in her favor. She further submitted that there are several irregularities in the flat like ceiling leakage, water leakage on the walls, dampness, no drainage outlet in both balconies, indoor wet areas in bath room, kitchen, bed room, balconies and low quality of electric wire and fittings etc. It has also been submitted by the complainant that respondent has not constructed the building as per the sanctioned plan. She has also submitted that, respondent has not obtained the completion and occupancy certificate. She further, submitted that the project is also not registered by the respondent from RERA.

Mr. Binod Kumar Singh, one of the promoter of respondent company has filed its reply on 17-08-2021, denying the contentions of the complainant and submits that present complainant is not maintainable as the project was completed in 2013-14 and all the

flats in the project except the flat no.301 were sold itself by the end of 2014 and sale deed also executed in the favour of respective flat owners, thus, before 01-05-2017, the project completed and handed over, Hence, it does not fall under the purview of the RERA Act,2016. It has been further submitted that, the complainant has requested to sell the unsold flat to her as her child was studying nearby school and on the request of her, the respondent has sold the flat to complainant by handing over the possession and executed the sale deed in her favour in 2017, itself. The respondent further, submitted that with respect to same cause of action, the complainant had filed Vigilance Case No.44B/2019, before the Id. Commissioner, Patna Municipal Corporation which is pending for final adjudication.

During the last hearing on 22-11-2021, the complainant states that there are several irregularities in the flat of the respondent company and said that the project of the respondent company has not been registered in RERA. It has been further stated that in spite of their demand till date, no completion certificate of the said building has been provided to her. It is further stated by the complainant that, the respondent has constructed toilets adjacent and above to his flat and is not as per plan.

No one has appeared on the behalf of the respondent company during the last hearing on 22-11-2021.

The bench observed that the promoter has no right to create a troublesome situation to any allottees by constructing toilets over their living areas out of the plan and causing leakage of sanitary pipes trickling below.

On the basis of the submissions and taking into consideration the documents filed by both the Parties, the respondent is directed to perform his duties as mentioned in the Section 11(4) (a) of the RERA Act, 2016. So far as allegation regarding deviation of map is concerned, the complainant is directed to approach the competent authority. Further, the bench directs the respondent to submit the completion and occupancy certificate within 30 days of issue of this order.

So far as the claim of compensation is concerned, the complainant is at liberty to approach the court of A.O.

Sd/-
Nupur Banerjee
Member