

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. 1870/2020

Nishant.....Complainant

Vs.

M/s Anuanand Construction Pvt. Ltd.....Respondent

Project: Sai Enclave

Present: For Complainant: Mr. Neeraj Singh, Advocate

For Respondent : Mr. RakeshRoshan, Advocate

19/07/2022

Order

The matter was last heard on 20-06-2022.

This matter was filed on 07-10-2020, seeking following below reliefs:-

- I. To direct the respondent to give flat to reside in same premise till booked flat is handover to him,
- II. To direct the respondent to pay the complainant rent and interest for delay
- III. To direct the respondent to handover the flat.

The facts reveal that complainant had entered into Agreement for Sale on 25-02-2017 and as per the agreement for sale, the flat should be handed over within 2.5 years from the date execution of Agreement for Sale with a grace period of 6 months but till date the flat has not been handed over.

The complainant has placed on record Agreement for Sale dated 25-02-2017.

Perused the record of the case. The respondent has filed its reply and had not challenge the contentions of the complainant and has submitted that delay is not intentional but due to force majeure and prays to grant appropriate time to complete the work. It has been submitted by the respondent that complainant had paid till date total amount of Rs.14,40,000/- out of total consideration amount of Rs.20,00,000/-.

On 20-06-2022, an I.A. has been filed on the behalf of complainant stating that building is not complete as on in present date and not a single amenities has been developed or provided by the respondent in the building. It has also been submitted that flat is also not ready and work is also stopped at the project site. It has also been submitted that respondent has not paying the interest as per the

direction of Authority dated 27-08-2021. It has also been submitted that complainant had filed the photograph showing the status of project site.

During the last hearing on 20-06-2022, learned counsel for the complainant has submitted that the respondent assured that fitting work has been done within ten days but it has not been done. He further submitted that he had filed the photographs of the project. He further submitted that the respondent has not filed the completion certificate and occupancy certificate.

Learned counsel for the respondent has prayed for time to complete the work.

In the light of submissions made and after the perusal of case records and documents placed, the Bench observes that various opportunities was given to respondent to complete the project but till date respondent has not completed the same, hence, Bench directs respondent to pay the interest as levied in the light of order passed by the Authority on 27-08-2021, failing which coercive action will be taken as per O.21, R.30 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act, 2016.

The Bench further observes that it appears from the photographs placed on record by the complainant that many works in building as well as in flat are still left to be complete, hence, considering the same, directs the respondent to complete all the remaining work of flat with all the facilities and amenities mentioned in the prospectus/ brochure of the project as well as in Agreement for Sale within three months and hand over the possession of the flat to complainant. If the respondent fails to handover the possession of flat with all the facilities and amenities within three months then cost of Rs.2000/- per day would be levied on each day of delay upon respondent.

The Bench also observes that complainant will pay balance sale consideration amount if any due after the issuance of possession letter and accordingly within 10 days of issuance of possession letter, the respondent will execute the Sale Deed in favor of the complainant. The date for registry will be fixed by both the parties mutually.

The complainant is at liberty to press the claim for compensation before the A.O.

With this observations and directions, the matter is disposed off.

Sd/-
Nupur Banerjee
Member