

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 14/2021, RERA/CC/181/2018

Shambhu Prasad Jaiswal.....Complainant

Vs.

M/s Star India Construction Pvt. Ltd.....Respondent

ORDER

11-03-2022

The matter was last heard on 14-01-2022.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, in January, 2019 against M/s Star India Construction Pvt. Ltd for rectification of faults in his newly purchased and registered flat No. 305 in project Uma Regency along with payment of interest for delay in completion of flat and compensation.

The complainant, in this Execution Petition filed on 12/03/2021 has submitted that final order dt.24-12-2020 was passed directing the respondent to pay an interest at the rate of six percent per annum on the deposit made by the allottee till 30th June, 2015 for a period of six months, within sixty days of issuance of order. Further, the bench had also directed the respondent to register their ongoing project Ums residency with the Authority under section 3 of the Real Estate (Regulation & Development) Act, 2016.

During the course of hearing on 17-09-2021, the complainant submitted that Authority vide order dated 24-12-2020, had directed the respondent company to pay interest for 6 months which they have not yet paid. He further stated that Project is not registered till date after the order of Authority and respondent company went in appeal before the REAT which was twice dismissed.

Counsel appeared on the behalf of the respondent company had submitted that the complainant has claimed compensation which comes under the jurisdiction of Adjudicating Officer and that all the internal work in the

flat has already been done. He further submitted that this allottee is a defaulter and has not paid the full amount and is under occupation of the flat since 2019. He further stated that they filed appeal before the tribunal and the Tribunal directed to get the project registered with RERA and that they have preferred a second appeal before the Patna High Court on 11/08/2021 since the project was completed in the year 2016 before RERA came into existence. He requested to keep the matter pending till the decision of the Hon'ble Patna High Court.

During the last hearing on 14-01-2022, complainant had submitted that the respondent has not complied with the order passed. He further submitted that the ceiling of the wall is completely damaged due to which an accident has also taken place. He further submitted that he took the possession in March 2018 and further informed the Bench that the respondent is not complying with any orders/directions of the Bench.

No one has appeared on the behalf of the respondent company during the last hearing.

The Bench during the last hearing directed the respondent to submit the Completion Certificate obtain from P.M.C. within a week and further directed to repair the internal defects of the flat.

After considering the submissions of both the parties, the bench reiterates its earlier direction and directs the respondent to pay interest as per order dated 24.12.2020 passed in the complaint case and also do the repair work of internal defects of the flat and submit the Completion Certificate obtain from P.M.C. within 15 days of issuance of this order.

Complainant is at liberty to press the claim for compensation before the Adjudicating Officer.

Sd/-

Nupur Banerjee
Member