

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Before the Bench of Mr. R.B. Sinha and Mr. S.K. Sinha, Members of**  
**RERA, Bihar**  
**Complaint Case No-CC/232/2019**

**Prem Nath Sajjan-----Complainant**

**Vs.**

**M/s Griham Developers Pvt. Ltd.-----Respondent**

<b>Present:</b>	<b>For the Complainant :</b>	<b>In Person</b>
		<b>Mr Sharad Sekhar, Advocate</b>
	<b>For the Respondent :</b>	<b>Mr. Navneet Kumar, Director</b>
		<b>Mr. Jairam Singh, Advocate</b>

**29.01.2020**

**ORDER**

1. Prem Nath Sajjan, a resident of Khajpura, 206/C, Rajpati Apartment, P.S.- Shastri Nagar (Old), Rajeev Nagar, Patna 8000014 has filed a complaint petition on 06/02/2019 under section 31 of the Real Estate (Regulation & Development) Act 2016 against Mukesh Kumar Sinha, Managing Director, Griham Developers Pvt. Ltd for not providing Completion certificate of the project even after repeated reminders for the same. He has stated that the though his share of flats in the real estate project S.P. Griham was handed over long ago, due to absence of the completion certificate, he has not been able to sell his share of flats.

**Complaint of the Complainant :**

2. In his Petition, the complainant has stated that he had entered into a development agreement with the Respondent Company M/s Griham Developers Pvt. Ltd for

development of a multi-storied building namely S.P. Griham in February 2010. The Project was to be completed within a period of three years and six months from the date of execution of the development agreement. As per the Development agreement, the complainant as the land –owner was to get share of 44 % of the total built up area which came out to seven flats with parking areas. He claimed that that promoter was required to hand over the share of the landowner with proper and legal documentation. He claimed that inspite of repeated reminders, the promoter has not furnished the completion certificate of the project. As a result thereof, the complainant was not able to sell his share of flats located at Ramnagri Road, Khajpura, Patna. Therefore, he claimed that he has suffered heavy loss.

3. He has requested the authority to direct the respondent to furnish the completion certificate to him and also stop the promoters to sell the flat without completion certificate. He has sought Rs25000 as compensation for inconvenience, harassment and mental torture.

**Reply of the Respondent Company.**

4. In response to the notice issued to M/s Griham Developers Pvt. Ltd through Mukesh Kumar Sinha, learned counsel for the respondent company stated on 28<sup>th</sup> February 2019 that the Complainant was the land owner of the plot concerned on which the apartment was constructed before the this Act came into operation and that all flats (i.e. seven flats) were delivered to the complaint long ago. Moreover, the complainant has sold three flats to the buyers who were residing peacefully. The Respondent Company has also submitted the electricity bills of the flats allocated to the complainants, claiming that all of them were handed over to the complainants much before the commencement of the Act. The Respondent Company also claimed that there was no requirement to return any amount or compensation to Complainant and the petition was not maintainable. Hence, the Petition needed to be dismissed.

**Hearing :**

5. On the first date of hearing, the Complainant Mr. Prem Nath Sajjan was represented by his Counsel Mr. Sharad Shekhar. No one was present on behalf of Respondent Company. Accordingly, notice was served to the Director(s) of respondent company to

appear in person before the Authority. After several notices, learned counsel of the respondent company Mr Jairam Singh Advocate appeared before Authority. Subsequently, Mr. Navneet Kumar, Director of the respondent company also appeared on 11.11.2019. Learned Counsel of the respondent company Mr Jairam Singh submitted a copy of the application dated 19<sup>th</sup> December 2019 submitted to the Commissioner, Patna Municipal Corporation for issue of the occupancy certificate of the project S P Griham on the basis of plan case No P/Khajpura/PRN-5/156/2010 dated 25 october 2010, on 09.01.2020. A copy of the application along with enclosures was handed over to the Complainant.

### **Issues for consideration**

6. There are two issues for consideration before the Bench:  
Firstly whether the Project S P Griham was an ongoing project on the date of commencement of the Act i.e. 1.5.2017 and hence required to be registered under Section 3 of the Real Estate (Regulation and Development) Act 2016 ?  
Secondly whether the reliefs sought by the complainant could be granted by the Authority ?
7. As regards the first issue, both complainant and Respondent admitted that the Project was launched in 2010 and completed and handed over to the complainant before the date of commencement of the Act i.e. 1.5.2017. The Respondent Company also submitted the electricity bills in respect of all 7 flats which were handed over to the complainants to show that all flats of the share of the Complainants were handed over before the commencement of the Act, 2016.
8. So far as 2<sup>nd</sup> issue is concerned, since the project was not an incomplete/ongoing project as on 1.5.2017 and hence, the reliefs sought can not be given under the Act. Moreover, the respondent company has handed over a copy of the application to the Commissioner, PMC for issue of Occupancy Certificate to the Court as well as to the Complainant.

### **Order**

9. As the project was already completed before the commencement of the Act and respondent company has handed over a copy of the application to the Commissioner,

PMC for issue of Occupancy Certificate to the Complainant, the petition is disposed off.  
No compensation or cost is allowed.

Sd

( R B Sinha)  
Member

Sd

( S. K. Sinha)  
Member