

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/370/2023

Fulena Rajak Complainant

Vs.

M/s Swans Green Buildwell Pvt. Ltd. Respondent

For the complainant: In person

For the Respondent: None

Project:- N/A

ORDER

20.06.2024 Hearing taken up. The complainant appears in person. The respondent is absent.

2. The complainant submits that he booked plot no.63 Eco Village having an area of 1600 sq. ft. situated at Mauza – Bedauli, P.S. – Bihta, District – Patna, on consideration amount of Rs.18,00,000/- out of which he paid Rs.7,50,000/- to the respondent - promoter from 22.10.2020 to 16.06.2021 and acknowledgement receipts thereof were issued by the respondent – company, which are kept on the record. He further submits that an Agreement For Sale was also executed between the complainant and the respondent on 05.02.2021, which is kept on the record. The possession of the plot was to be handed over within the specified time but till date the same has not been handed over. He wants possession of the plot and is willing to pay the remaining amount of Rs.10,50,000/- to the respondent – promoter after handing over possession of the plot and execution of the Sale Deed in his favour.

3. Learned counsel for the respondent vide proceeding dated 19.04.2024 was directed to file counter reply within two weeks but he did not file the same and thereafter again vide proceeding dated 31.05.2024 he was directed to file counter reply within one week with further direction that in case of non-compliance it would be presumed that the respondent – promoter has nothing to say in this matter and an order would be

/2/

passed on the basis of material available on the record. It was also directed that no further adjournment would be given in this case but the respondent – promoter has neither filed counter reply nor has appeared today. Hence, the Authority is left with no option but to pass the order on the basis of material available on the record.

4. Perused the record. The Authority observes that the respondent - promoter neither honoured the commitment of handing over possession of the plot and execution of the Conveyance Deed in favour of the complainant within the specified time nor has cooperated in disposal of this case by filing counter reply in spite of providing sufficient opportunities to him. Considering the hardship being faced by the complainant and non-cooperative attitude of the respondent – promoter, the Authority thinks it appropriate to dispose of this case on the basis of material available on the record and, accordingly, the order is being passed today.

5. Taking into consideration the aforesaid facts and the observations made above, the Authority directs the respondent – company and its Director Mr. Sumit Sinha to handover possession of the plot no. 63 having an area of 1600 sq. ft. and execute the Absolute Sale Deed in favour of the complainant after completing all the legal formalities within two months from the date of issue of this order. The complainant is directed to pay the balance amount of Rs.10,50,000/- to the complainant before execution of the Absolute Sale Deed.

With the aforesaid observations and directions this case is disposed of.

**Sd/-
S.D. Jha,
Member**