

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman**

RERA/CC/505/2021

Vijay Kant Mishra and Anupama MishraComplainants

Vs

M/s Vision Land Pvt. Ltd.Respondent

Project: Vision Polaris

26.09.2022

ORDER

Both the parties are present.

The complainants reiterate that they have paid more than Rs. 30 lakh for the flat and no construction has been undertaken in the last few years. The complainants submit that they are willing to pay the remaining consideration whenever demanded by the respondent company.

The respondent submits that no further demand would be raised till the pending works of flat is completed.

Perused the records. The complainant has mainly sought two reliefs (a) Rs.15,000/- per month of house rent and (b) facilitate possession of the booked flat.

The respondent has filed a petition along with an affidavit stating therein that there are 19 unsold flats and there is a ban on sale of flats which should be lifted.

The complainants submit that they have no objection if the ban on registration of the flat is lifted.

In view of the above submissions, the Authority, decides that the general ban on registration be relaxed for entering into agreements for sale in respect of the 19 unsold flats provided the promoter deposits the entire proceeds from such sale in the designated separate account for the project.

The office is directed to send a letter to the District Sub-Registrar, Patna and Sub Registrar, Phulwarisharif and Danapur regarding lifting of ban on registration in respect of the 19 unsold flats in this project.

The complainant reiterates that no construction work has been done since 2017.

The Authority observes that they are required to pay Rs. 1,00,000/- (One Lakh) under Section 11 of the Act for not uploading the quarterly status on their web page in the web site of the Authority. The promoter is directed to upload the Quarterly Progress Report as specified in the Real Estate (Regulation and Development) Act, 2016 and Regulation 8(A)(3) of the Bihar Real Estate Regulatory Authority (General) Regulation as amended in 2022 within three days. A penalty of Rs.10,000/- would be imposed for every day of delay in uploading the status report.

The Authority observes that the flat was to be handed over by December, 2019 as per the agreement for sale executed between the parties. Section 18(1) of the Act provides that if a promoter fails to handover the possession in the stipulated time period, then the complainant shall be paid by the promoter for every month of delay till the handing over of the possession of flat. In the Newtech judgment the Hon'ble Supreme Court of India decided that the interest would be payable from the date on which the possession was to be handed over. Admittedly, the promoter has delayed in handing over the possession. They are also liable to pay interest for the Period of delay which is 01.01.2020 to handing over the possession @ 2% above of PLR/MCLR of State Bank of India prevailing in December, 2019.

The promoter assures to handover the flat to the complainant within six months. The promoter also offers to pay Rs. 15,000/- as interest for delayed possession from this month.

The Authority takes note of these submissions and directs the promoter to handover the completed flat to the complainants by 31.3.2023, failing which a penalty of Rs 10,000/- for every day of delay would be charged from them as provided in Section 63 of the Act.

With these directions and observations, the matter is disposed of.

Sd/-
(Naveen Verma)
Chairman