

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/512/2021

Jaideep Chakravorty.....Complainant

Vs.

M/s Raman & Kumar Construction Pvt. Ltd..... Respondent

Project: Mala Apartment.

Present: For Complainant: Mr. Sharad Shekhar, Advocate

For Respondent : Mr. Nishant Kumar, Advocate

ORDER

28.10.2021

15.11.2021

The matter was last heard on 21.10.2021. Both parties through their respective counsels were heard at length.

This case has been filed by the complainant to execute Absolute Registered Sale Deed in favor of the complainant and complete the project namely, 'MALA APARTMENT'. The complainant has stated that possession was handed over vide letter dated 10/08/2010 in respect of Flat No. 303, measuring area of 860 sq. ft. The total consideration amount of Rs. 10,21,000/- has been paid by the complainant. However the respondent company has neither executed registered deed in favor of the complainant nor has it obtained completion certificate and occupancy certificate.

In the reply filed by the respondent company it has been stated that the complaint is not maintainable before the Authority as the complainant is seeking relief of compensation which is maintainable before the Adjudicating Officer; the project is exempted u/s 3 of the Act as the project was completed in 2009 and possession given in 2010 i.e., much before the commencement of the Act.

The respondent company has further submitted that the claim of the complainant is devoid of merits as the complainant is enjoying possession since the last 10 years and has not bothered to pay stamp charges and registration charges to the respondent company, despite the same being statutory charges. The complainant is residing in the flat and paying taxes and electricity bills.

The Bench notes that the complainant has not filed any rejoinder to the reply filed by the respondent company. The complainant has withdrawn his claim for compensation but has, however, not filed any affidavit to this effect. While the reply mentions that the project area is less than 500 sq meters it is silent about the number of apartments. Admittedly the complainant is residing in the apartment since 2010 and on the basis of submissions made by the respondent company in previous hearings, it is observed by the Authority that the respondent company is ready to execute the registered sale deed in favor of the complainant. Without going into the issue of maintainability, the Bench notes that the respondent company is willing to execute the sale deed of absolute conveyance provided the complainant pays the stamp duty and other charges. The complainant may take note of this submission and take further action accordingly.

With these observations, the matter stands disposed of.

Sd/-
(Naveen Verma)
Chairman