

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Member**

Case No. RERA/CC/737/2019

Satyendra Kumar.....Complainant

v.

M/s Nesh India Infrastructure Pvt. Ltd.....Respondent

Project: - Tiruvanantpuram City

**Present: For Complainant: Mr. Santosh Kumar, Advocate
For Respondent: Mr. Abhinav Srivastava, Advocate**

**HEARING THROUGH VIDEO CONFERENCING/PHYSICAL MODE
ORDER**

23-11-2021 : Hearing taken up. Mr Santosh Kumar, learned counsel is present on behalf of the complainant. Mr. Abhinav Srivastava, learned counsel is present on behalf of the respondent company.

The learned counsel for the complainant submits that as per proceeding conducted on 03.02.2021, the learned counsel for the respondent company was directed to file their respondent on an affidavit, but the same has not been filed till date. He further submitted that earlier, reply was filed by another counsel.

The learned counsel for the complainant submits that the issue pertains to the ratio of share of the complainant. He submitted that the respondent company is calculating the amount as per the built up area and giving the share as per super built up area. The learned counsel requested that if the share is being calculated as per the built area, share in built up area may be given and if it is being calculated as per the super built up area, share in the super built up area may be given. The learned counsel for the complainant referred to para 5 of his complaint stating that the built up area was to be allocated to him as per the share of landowner Mr. Satyendra Kumar.

The learned counsel for the respondent company submits that the vakalatnama of Mr. Roshan, Advocate has been filed online and therefore he has the power to contest on behalf of the complainant. Secondly, the learned counsel further

stated that the complainant visited the office of the respondent company and asked for map and other documents which were duly furnished to him. He further submitted that the complainant is asking for the share in carpet area whereas whenever allocation is done, it is as per the super built up area.

The learned counsel for the respondent company further submits that they are ready and willing to give the share of 50% to the landowners as per development agreement dated 08.06.2017.

The learned counsel for the complainant produced the approved full map of the project which states that the total built up area is 78832.87 sq. ft. Both parties agree that the share of the promoter i.e. the respondent company will be 50 % i.e., 39416.435 sq ft and the remaining 50% share will be the combined share of the landowners.

The Authority will not go into the inter se distribution of the shares of the various landowners within the 39416.435 sq ft allocated in their share. It is for the landowners and the promoter to come to an agreement on this and if they are unable to do so , they should approach the court of competent civil jurisdiction.

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman