

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Hon'ble Member, Mrs Nupur Banerjee, RERA, Bihar

Case No. RERA/CC/1078/2020

Mrs. Anita Devi.....Complainant

Vs

M/s Arthik Real Estate Developers Pvt. Ltd.....Respondent

PROJECT: - RAHI RESIDENCY

ORDER

29-10-2021 This matter was last heard before the Single Bench on 24.09.2021.

The case of the complainant is that he had entered into Agreement for sale dt.22-12-2017 with the Respondent Company for the purchase of Banglow No. C-11 (G+1)in project "Rahi Residency" and had deposited Rs.12.5 lakh out of the Total Consideration Amount of Rs.40 lakh but since now, the Respondent has not executed registered development agreement in her favour and handed over the possession of the Flat/Bangalow.

The Complainant filed supplementary Affidavit on 02-09-2021, stating while referring Annexure – 2 that, the Complainant has deposited the entire consideration amount and the project is about complete but the Respondent has not given the possession yet.

Perused the records. The Respondent has filed his reply on 21-09-2020 and states, Respondent Company has received Rs.40 lakh and still Rs.4,37,598/- is due for additional cost and extra area of 240 sq.ft. developed by the Respondent as per agreement for sale executed dt.30-12-2017.

During the course of hearing on the last date i.e. on 24.09.2021,Mr. Rahul Roy, Director of the Respondent Company, submitted that, if the extra area was not allotted to the Complainant then, how come the agreement including the extra area of 240 sq.ft. has been registered. Further, the Complainant submits that the Complainant has to pay the amount for the additional area given to him.

The Complainant reverting back to the submission of Respondent, submits that,the Extra area was never been given by the Respondent to the Complainant and therefore the Respondent cannot claim the amount of the extra area.

The bench observed and directs the Complainant to pay the amount for the additional area to the Respondent as per agreement. Further, the bench directs the Respondent to hand over the Possession peacefully after receiving of the amount of additional area of 240 sq.ft.

The bench further directs both the parties to comply the directions of the Authority within sixty days of issue of this order.

Sd/-

Nupur Banerjee
(Member)