

REAL ESTATE REGULATORY AUTHORITY, BIHAR.
Before Mr. S.K. Sinha, Member of the Authority.

Complaint Case No.: CC/625/2019, CC/626/2019, CC/627/2019, CC/628/2019, CC/629/2019, CC/630/2019, CC/631/2019, CC/632/2019, CC/633/2019, CC/634/2019, CC/635/2019, CC/636/2019, CC/637/2019, CC/638/2019.

Mr Sandeep Kumar, Mr Anil Kumar Poddar, Mrs Zubaida Khatoon, Mrs Laxmi Devi, Mr Randhir Singh, Mr Manoj Kumar, Mr Naresh Kumar Nawin, Mr Gokhala Prasad, Mr Akhileshwar Singh, Mr Navin Chandra Sarkar, Mr. Hemendra Kumar, Mr Surendra Prasad, Mrs Urmila Kumari Singh & Mrs Shakuntala
Sinha.....Complainant
/s.

Vs

M/s. RSR Mansha Projects Pvt. Ltd through its director Mr Ranjeet Kumar.....
....Respondent/s.

01/01/2021

Mr. Sandeep Kumar and 13 others , all residence of Shivdham Apartment, Ramjeechak ,Digha, Patna- 800018, Bihar, have filed 14 individual complaint petitions on 14/10/2019 on same cause of action under Section 31 of the Real Estate (Regulation & Development) Act 2016 r/w Section 36 of the Bihar Real Estate (Regulation & Development) Rules 2017 against M/s RSR Mansha Projects Pvt Ltd through their director Mr Ranjeet Kumar having its registered office at Shantilok Apartment , Ground floor, Nehru Nagar, Patna- 800013, Bihar, for not completing the project work and not providing other amenities as promised by the respondent company under "Shivdham Building Complex" project, Digha, Patna. Grievances mentioned in all 14 complaints are similar in nature and therefore, the cases are being heard jointly as their prayers are also similar.

Case of the Complainant:-

In all the 14 petitions, complainants have stated that they have purchased the flat in Shivdham Apartment/ Shivdham Building Complex at Digha, from the respondent company, Patna and after absolute sale deed they all are residing in their respective flat but respondent has been failed to give car parking space, formation of society , guard room with washroom, proper sewerage system, fix shade in open area roof and to fix tiles on the respective floor, CCTV, lightening in society campus, providing project completion certificate , construct drainage shed , complete drainage work, lift, firefighting system, double coat paint and to complete boundary work of the apartment etc.

After filing of the aforesaid complaints, 14 notices were issued to the respondent M/s RSR Mansha Projects Pvt. Ltd Through its Director Mr. Ranjeet Kumar dated-27/01/2020 for submitting their response till 17/02/20120.

Response of the Respondent Company:-

The respondent company has filed their reply dated 24/02/2020. In their reply they have stated in Para 6 that they have to done only few works and prayed for the police protection from the 10 land owners of this project as they are creating hindrance and nuisance in project development. Accordingly both the parties were directed to come for hearing in complaint cases.

Hearing:-

Both the parties were given more than half dozen hearings. In course of hearing, 10 land owners (as per Para 3 of reply petition dated 24/02/2020) impleaded as respondents dated 30/09/2020. The complainants were present personally to defend their case while the respondent company was represented by Mr. Parshuram Singh (Advocate) and some of the land owners were present through Mr. Priyaranjan Singh, Advocate. In Course of hearing the Respondent Company as well as respondent land owners filed affidavit regarding left work and not to create any hindrance. On 15/11/2022, the bench constituted an inquiry team to visit the project site in question and submit the physical status of the project. The inquiry committee visited the "Shivdham Apartment; Digha" dated 12/11/2020 and submitted report before this bench on 04/12/2020. In the report the team concluded their observation in favor of allottees.

Issues of Consideration

- i) Whether project "Shivdham Building Complex" is an ongoing project?
The respondent company did not submit any OC/CC as required under Section 3 of Real Estate (Regulation and Development) Act, 2016, which shows that the project is incomplete as on 1st May 2017. On the other hand the sale deed submitted by the complainant shows that the respondent had executed many sale deeds after 1st May 2017. And the foremost the report submitted by the RERA Inquiry team dated 04/12/2020 discloses that plentiful work has to be completed by the promoter. So, therefore the project "Shivdham Building Complex/ Shivdham Apartment, Digha" is an incomplete project and ongoing project which needs to be registered under RERA.
- ii) Whether claim of the complainants regarding incomplete work in the common area of the project and lack of amenities in the project are justified?
Yes, the common area and common amenities in the project in question are found to be incomplete. As per the affidavits filed by the company itself shows that the said project are left out with remaining works and also the report and photographs submitted by the RERA inquiry team shows that there are list of work which needs to be entertained by the respondents as soon as possible. The land owners of present project have also supported the complainant's version of incompleteness and substandard work by the respondent in "Shivdham Apartment".

Order:

After perusal of the record, documents and having gone through the rival arguments, it is therefore directed that the respondent promoter M/s. RSR Mansha Project Pvt. Ltd. and their Directors must complete all the remaining works of the said project as per promise made under development agreement and must adhere to sanctioned map. It is further directed to the respondent to facilitate the formation of registered Resident Welfare Association in the said project and allot parking space to the residents.

It is further directed to the promoter/ respondent to complete the remaining project work as per affidavit filed by him dated 29/12/2020. Apart from this the respondent is further directed to complete the other work of the said project as enumerated under RERA inquiry report dated 04/12/2020. The inquiry report should be taken seriously by the litigating parties of this case. The respondent should complete all the remaining work within 60 days from this order.

It has been also directed to the respondent company to get the project register under RERA within a week otherwise a Suo Moto proceeding may be initiated against the promoter for the violation of Section 3 of the Act, 2016. Further, all the land owners of the said project hereby directed to cooperate with the promoter for the development of the project and not to create any type of nuisance and hindrance while construction in progress. For any other dispute between land owners and respondent, the party may approach to the competent court/forum for its redressal.

With above directions the case stand disposed of.

**Sd/-
S.K. Sinha
Member**