

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/331/2019

Rohit Kumar & Juhi Gupta

...Complainant

Vs.

M/s Sarvodaya Grih Nirman Pvt. Ltd.

...Respondent

Project: - Silver Coast

18-08-2022

ORDER

The case of the complainants is that M/s. Shri Ashutosh Securities Pvt. Ltd who was one of the allottees had booked two flats, i.e., Flat no. 1 and 04 both on 7th floor with 2 reserved car parking space on the ground floor in the respondent's project named as "Silver Coast" situated at Nasriganj, Digha, Patna. Due to some personal difficulty, the company through Mr. Krishna Kumar Rungta agreed to sell flat no. 04 admeasuring 1305 sq.ft with one reserved car parking space to complainants for consideration amount of Rs 39,15,000/-. All the three parties had entered into tripartite Agreement for Sale dated 28/02/2014. The complainants alleges that they have paid the entire consideration amount in accordance with the agreement but till date they have not got the possession of the flat even after lapse of six years. The said project is still incomplete.

The respondents have filed reply stating therein that due to unavoidable situation, the delay in construction occurred as the land on which the project had to be constructed was completely handed over to the respondents after delay on behalf of the landowners. As far as the issue of the payments done by the complainants is concerned, the respondents highlighted that they have only paid a sum of Rs 15,15,000/- out of Rs 39,15,000/-. They had to pay the remaining amount according to the work schedule of the project which they failed to do. Furthermore, there was no date mentioned in the agreement between the respondent company, M/s Ashutosh Securities Pvt Ltd and the complainants. In respect of further delay,

the respondents state due to COVID 19 government had given relaxation due to Force Majeure.

The complainant has placed on record copy of agreement for sale, allotment letter, agreement for sale dated 28.02.2014.

On the last date of hearing, the learned counsel for the complainant submitted that the structure of the building is ready but progress of the finishing work is not satisfactory. The learned counsel for the respondent submitted that the project will be completed by 31/10/2022 and the RERA, Bihar has also extended the registration of the project.

The Authority notes that the allottees have not established that they have made the payment as per the agreed schedule. The promoter has not provided requisite documents to establish that the consideration amount is due.

The Authority directs the promoter to send a demand letter to the complainant and the allottees to make the payment of the remaining consideration amount, if due.

The Authority directs the respondent company to complete the project with all the amenities as mentioned in the agreement for sale and brochure of the project by 31/10/2022. If the respondent fails to complete the project by 31/10/2022, then a penalty of Rs.1,000/- for each day of delay would be imposed.

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

Sd/-
Naveen Verma
(Chairman)