

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case Nos. RERA/CC/971/2021

Lalmuni Devi

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - Agrani Power Grid Nagar

ORDER

14-11-2022

The matter was last heard on 27.09.2022.

The case of the complainant is that he entered into development agreement with M/s Agrani Homes Pvt. Ltd. for the land located at (Khata no. 135, Plot no. 1446, Thana 44, Shahpur Thana, Patna). As per the terms of the agreement, the complainant was entitled to get 45% share of the total flats constructed on the land. The project was supposed to be completed within 3 years 6months from the date of approval of the building Map with a grace period of 6 months. The complainant has filed the complaint case for construction of the project/ building as per the development agreement and compensation.

The complainant has placed on record development agreement dated 21-04-2017.

The Bench notes that despite notices issued to the respondent, the respondent failed to appear before the Bench.

On the last date of hearing, learned counsel for the complainant submits that the complainant is the land owner. Registered agreement was executed on 21st April, 2017 for development of the land and as per agreement the ratio of share to the land owner and the building has been decided as 45% and 55%.

As per agreement the project has to be completed within three years six months and that time has expired in April, 2021 but till date no development has been made No flat has been given. Land owner is also an allottee. He also wants compensation.

The Bench observes that the development agreement is already cancelled as per the terms of the Agreement, so any remedy arises out of cancellation of development agreement is purely a civil nature, so, the complainant should approach to the competent Civil Court.

The Bench, therefore, observes that this matter is not maintainable and the Authority has no jurisdiction to consider the prayer of complainant for the compensation. The grievance of the complainant is to be settled by the competent court forum.

With these observations, the matter is disposed of.

Sd/-
Nupur Banerjee
Member