

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/564/2019

Ajay Kumar and Vijay Kumar Gupta.....Complainant

VS

M/s DDL Infratech Pvt. Ltd.....Respondent

Project: Agrani Woods

For Complainant: Mr. UdayBhan Singh, Advocate

**For Respondent: Mr. Rabindra Kumar, Advocate
Mr. Shiv Kumar, M.D.**

05/12/2022

ORDER

The matter was last heard on 10/11/2022.

This complainant petition has been filed seeking relief to direct the respondent to provide physical possession of land with all the amenities as committed under the terms of sale deed no. 1926, dated 02-02-2016. Further the complainant also seeks to direct the respondent to compensate by paying interest @10% on the total value of land for delay in delivery of the possession of the plot and to pay compensation of Rs.25,000/- for inconvenience, harassment and mental torture. Complainant has also prayed to direct the respondent to pay Rs.25,000/- as the litigation cost.

1. In short, the case of the complainant is that the respondent has executed the sale deed no. 1926, dated 02-02-2016, in favor of complainant for the plot measuring 2722 sq. ft. on the consideration amount of Rs.

7,50,000/- after the payment of full consideration amount. It has been further submitted that respondent has given assurance to provide well planned society with the facilities of good drainage system, electricity etc. but when complainant approached the plot, no development found as per deed and asked for physical possession. It has been further submitted that after the lapse of more than 4 years and after several requests the plot has been not handed over to complainant with development. Hence, this complaint.

2. Perused the record of the case. The respondent has filed its affidavit dated 11/07/2022 along with photographs showing the development at project site. It has been submitted by the respondent in affidavit that in compliance of the court order, the respondents have been offered Company Plot No. - 92 and rectification deed has also been executed having irregularity. It has been further submitted that respondent has completed the provision of 30ft. Wide Road, Layout of Drainage, Water Supply and Electricity as per the agreement. It has been further stated that respondent has developed the land as per the agreement and in proof, the photograph is attached here with, for perusal and needful.
3. The respondent has filed an application on 01-08-2022 along with copy of rectification deed.
4. During the last hearing, learned counsel for the complainant has submitted that the development has not been made.
5. Learned counsel for the respondent has submitted that the development has been made and an affidavit with photographs showing development works is already filed and has been brought on record.

The Bench takes the notes of committee report dated 18-02-2021 placed on record for kind perusal as submitted by the committee went for inspection as per the direction of the Authority by giving their findings therein.

The Bench notes that no affidavit or photographs showing development at the project site has been filed by complainant as per the last hearing direction.

In the light of the submissions, advanced by learned counsel for the parties and documents placed, this Bench deals the issue raised in the present complainant in the following manner: -

As regards the possession of plot, the Bench takes the notes of submissions of respondent on affidavit as well submissions made by the parties during the course of hearings that possession of plot has been handed over and observes that this issue has been addressed and complied by the respondent.

As regards the receipts of map placed by respondent submitted before the competent authority is concerned, the Bench takes the notes of the same and directs the respondent to provide the copy of map to allottees as well as complainant as soon as it gets approved by the competent Authority. In meanwhile provide a copy of map submitted during taking the registration of the project from the Authority to complainant or allottees who wish to take.

As regard Development is concerned, the Bench takes the notes of photographs showing development of the project, placed before the Bench by the parties during the course of hearing with batch of cases of this project as well as many photographs and videos of the project indicating development shown during the course of hearings with batch of cases of this project as well as photographs placed on record by respondent and observes that it cannot be said that no development work has been done by the respondent at the project site but yes, few more works are needed to be done at the project site to say that project is complete and developed in all respect, hence, taking the notes of validity period of registration of the project is from 25-10-2019 to 31-12-2024, the Bench, directs respondent to complete the work of development at the project sites required to be completed as per agreement within the validity period of project or as soon as possible, so that, complainant/allottees can stay/ live there in better environment.

As regard, the execution of rectification deed is concerned, the Bench takes the notes of rectification deed placed on record by respondent as well as the submissions of the parties in respect to the same and

observes that this issue has been addressed and complied by the respondent.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

With these directions and observations, this complaint petition is disposed of.

Sd/-

Nupur Banerjee
Member