

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

Case No: RERA/CC/439/2023

Navin Prakash Diwakar

...Complainant

Vs.

M/s Vineet Homes Pvt. Ltd.

...Respondent

Project: Plot

02/08/2024

INTERIM ORDER

The matter was last heard on 15.07.2024, when Mr. Ishtiyaque Hussain, Advocate appeared on behalf of the complainant and Mr. Kishore Kunal, Advocate appeared on behalf of the respondent.

This complaint petition has been filed seeking relief to direct the respondent to provide one parking of share as per para-5 of the development agreement dated 10.11.2018 and one extra parking for which the complainant paid extra amount as per their commitment and also to pay compensation. .

In short, the case of the complainant is that the respondent entered into development agreement dated 10.11.2018 with the complainant and other coparceners to build an apartment comprising of 24 flats (50% share each) in the land of the complainant and the completion of the project was two years and six months from the date of agreement with grace period of six months. It is stated that as per para-5 of the development agreement, the complainant along with other shareholders was entitled to receive 12 flats with 12 parking space along with other amenities. The complainant got the possession of the flat from the developer and the developer agreed to register the same in favour of the complainant. The complainant was assured by the developer that one parking space along with one extra parking space will be completed and handed over for which the complainant paid Rs.5.00 lakh but till date it has not been handed over to him. Finding no response, the complainant approached the respondent to know about the reasons for not providing the one parking space of his share along with one extra parking, they have not given any reply. It is stated that as per the agreement, one parking of his share and one extra parking for which the complainant paid extra amount was not allotted. When the complainant was not getting response after a lapse of given time then he sent a legal notice on 09.08.2023 raising his grievance but the respondent has not even bothered to

give any reply. He referred to the provision of Section 14(3) of the RERA Act, 2016.

The complainant has placed on record the copy of the Development Agreement and the Share Division Agreement.

A reply has been filed on behalf of the respondent in which apart from the other facts the respondent has questioned the maintainability of the case.

In para 4(iv) of the complaint petition, the complainant has stated that he has paid Rs.5.00 lakh for one extra parking space (Rs.3.00 lakh through cheque and Rs.2.00 lakh in cash) but from the records it appears that there is no evidence of the said amount paid. Therefore, the complainant is directed to file supplementary affidavit annexing the evidence of the amount paid for extra parking space.

Put up this matter for hearing on 05.09.2024.

Sd/-
Nupur Banerjee
(Member)