

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

Case No: RERA/CC/601/2019

Shashi Bhushan Prasad

...Complainant

Vs.

M/s DDL Infratech Pvt. Ltd.

...Respondent

Project: Agrani Woods, Village- Pakrandha

15/05/2024

ORDER

The matter was last heard on 12.12.2023 and was fixed for orders on 23.01.2024. However, due to pre-occupation of the Bench in other matter, order could not be pronounced on the date fixed. On that date, the complainant was absent, Mr. Nitin Kumar, learned counsel for the respondent was present.

This complaint petition has been filed seeking relief to direct the respondent to provide physical possession of the land in question with all amenities as committed under the terms of sale deed dated 29.01.2015 and also to direct the respondent to compensate the interest @ 10% on total value of the land as delay caused in delivery of physical possession over the plot and to pay amount of Rs.25,000/- as compensation and litigation cost of Rs.25,000/-.

In short, the case of the complainant is that the respondent has executed the absolute sale deed No. 725 dated 29.01.2015 in favour of the complainant measuring an area of 2722 sq.ft. vide plot No.82 at Mauza Pakrandha, District Patna on a consideration of Rs.7.00 lakh. The complainant has deposited the total consideration of Rs.7.00 lakh to the respondent as per the agreement. It is stated that the respondent has given assurance to provide well planned society with the facilities of good drainage system, electricity etc. When the complainant approached the respondent to enquire about the latest development regarding the plot in question, no satisfactory response has been given by the respondent. Thereafter the complainant has given several reminders to settle the matter but no step has been taken by the respondent. It is further stated that even after lapse of four years the respondent has yet not given the physical possession of the plot in question to him. Thereafter he has made several requests to the respondent for construction of boundary wall on his plot but no response has been taken by the respondent. Hence, this complaint.

The complainant has placed on record the copy of the deed of absolute sale dated 29.01.2015 with revenue receipt.

After notice, the respondent has appeared but no reply has been filed on behalf of the respondent.

On 25.08.2023 this case was fixed for orders but a petition had been filed on behalf of the respondent stating that the retainer counsel was out of Patna since more than two months ago for treatment of his brother and now has returned back and the respondent has contacted the complainant on mobile and has agreed to execute the rectification deed after Puja Vacation. It

was further stated that the rectification draft has been handed over to the complainant. In view of the circumstances mentioned above, an interim order was passed on 07.11.2023 and the Authority directed the respondent to inform the complainant about the date of registry of rectification deed and execute the rectification deed before the next date of hearing. On 12.12.2023 learned counsel for the respondent submitted that the rectification registry has already been done and in compliance of the said direction dated 12.12.2023 the respondent has filed a copy of the Deed of Rectification dated 11.12.2023 on 13.12.2023.

Since the grievance of the complainant has been redressed, the matter is disposed of.

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.

Sd/-
Nupur Banerjee
Member