

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

**Case No: RERA/CC/545/2022**

**Dr. Nilesh Mani**

**...Complainant**

**Vs.**

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

**...Respondent**

**Project: Agrani Woods**

**26/07/2024**

**ORDER**

The matter was last heard on 02.07.2024 when Mr. Mahendra Kumar, learned counsel for the complainant was present, Mr. Rabindra Kumar, learned counsel for the respondent was also present.

This complaint petition has been filed seeking relief to direct the respondent to handover legal possession of the land (Plot No.D-42) to the complainant as per sale deed (Annexure 1), also to direct the respondent to rectify and make good all the defects mentioned in para-4 in the complaint petition and further to direct the respondent to pay a sum of Rs.12.00 lakh to the complainant on account of breach of various terms of sale deed dated 28.07.2012.

In short, the case of the complainant is that the complainant applied for residential plot in farm house city project Agrani Woods and was allotted plot bearing No. D-42 of the said project measuring total covered area of 6,805sq.ft. (15.625 decimal) for a total sales consideration of Rs.2.50 lakh. Thereafter a registered sale deed No.21733, Book No.1, Volume No.407 on pages 514 to 529 was executed between the complainant and the respondent on 28.07.2012. He after purchasing the said residential plot and registered sale agreement get the area of 15.625 decimal mutated in his name and paying the land rent to Govt. of Bihar. Before making of the agreement, the respondent assured the complainant that the said residential plot of housing colony will consist of resort, food-plaza, water park, restaurants, conference hall and children park with a commercial wing will be established in the said housing colony. They also assured that the said housing project colony will be self sufficient community out of tracts of land and will provide the customers with the highest standard of living. They also assured that the said residential plot will be curved from several acre of land purchased by them from various landowners. It is provided in the registered sale deed that the respondent has developed the said land along with adjoining block of said housing colony. The respondent also assured that the entire project will be completed within six months of sale agreement i.e. before 31.01.2013 and delivery of possession of the said residential plot will be given by January, 2013. It is also assured that in case of delay in handing over the possession of the said land, the respondent shall pay a compensation to the complainant of a sum of Rs.10,000/- per month for the delayed period. It is stated that the complainant purchased the said plot on 30 feet wide road. He visited the site of the said project on several occasions and he came to know that all the basic amenities and facilities are not provided

by the respondent and there are several defects in the said residential plot. It is also stated that due to non-availability of occupancy of the said plot, the complainant is not able to use the said farm house for the production of agriculture products since last more than nine years from the date of the sale deed resulting in huge monetary loss. He is liable to be compensated by the respondent for not handing over the possession of the said residential plot. Hence, this complaint.

The complainant has placed on record the copy of the registered sale deed, Brochure and the land rent receipt.

After notice, the respondent has appeared through his learned counsel Mr. Rabindra Kumar and has filed reply. Apart from the other facts stated in his reply the respondent stated that the complaint petition is not maintainable either on facts or in law in view of the order passed by RERA Appellate Tribunal in the appeal filed by Sanjeet Kumar because the appeal was not maintainable. However, the parties reached a compromise and reverted back the plot but the Tribunal Bench suo moto initiated Misc. case and passed an order against RERA, after which RERA again filed a review petition which too was rejected. The order has since been challenged before the Hon'ble High Court, Patna which is pending for disposal. In the said case, the respondent here was also one of the respondents. It is stated that in view of the order passed by the Tribunal, this court has got no jurisdiction to hear the case and pass an order in this case. It is submitted that some land is there with the respondent under this project but the said land is not connected to the approach road and therefore, time is required to establish connectivity to the plots. It is further submitted that if the complainant is ready to take the possession of the plots without approach road, the respondent is ready to handover the possession of the said plot. However, to deliver the possession along with approach road, the respondent requires time of at least six months which may be extended if there will be delay in providing land by the raiyats. If the complainant is ready to take back the money, the respondent will refund the same.

A rejoinder has been filed on behalf of the complainant to the reply filed by the respondent reiterating the facts as stated in the complaint petition. It is stated that the statements made by the respondent are cryptic and vague and hence, the same cannot be accepted.

A replication petition has been filed on behalf of the respondent company to the rejoinder filed by the complainant stating that the points raised in the rejoinder are misleading, false, fabricated and is denied in toto. It is stated that at present a clear plot is not available as per requirement of the complainant but presently some land has been acquired from the land owners under the project but the said land is not connected to the approach road and if the complainant is ready to take possession of plots without approach road, the respondent is ready to handover possession in the said plot. Without prejudice to the right of this respondent, the respondent is ready to refund the amount as per RERA Act. He referred to several judgments of the Appellate Tribunal, Patna High Court and other courts in support of his submissions.

On 02.07.2024 learned counsel for the complainant submitted that the complainant has not got possession of the plot. Relying on the order dated

30.04.2024 passed by the Authority in CC/543/2022 (Radhey Shyam Agarwal vs. DDL Infratech Pvt. Ltd.) he submitted that this case is squarely covered by the order passed in the said case. Learned counsel for the respondent fairly submitted that he will provide possession of the plot within four months but learned counsel for complainant stated that it will be better that the plot is provided within two months.

In the light of the submissions advanced by learned counsel for the parties and the documents available on record, the Bench directs the respondent to arrange for land and provide the possession of the plot to the complainant on 30 feet wide road, within sixty days of issue of the order.

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, the matter is disposed of.

**Sd/-**  
**Nupur Banerjee**  
**Member**