

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

Case No: RERA/CC/89/2023

Sandeep Kumar Sinha

...Complainant

Vs.

M/s Agrani Infra Developer Pvt. Ltd.

...Respondent

Project: Agrani woods

02/08/2024

ORDER

The matter was last heard on 23.07.2024, when none has appeared on behalf of the complainant and Mr. Nitin Kumar, Advocate appeared on behalf of the respondent.

This complaint petition has been filed seeking relief to direct the respondent to give actual physical possession and issue possession letter with specific khata and plot number of land transferred to him vide sale deed dated 11.09.2012.

In short, the case of the complainant is that the complainant had purchased land admeasuring 27220 (62.5 decimal) at Mauza Akhtiyarpur, P.S. Bihta, District Patna from M/s Agrani Infra Developer Pvt. Ltd. vide registered sale deed no.30242 dated 11.09.2012 at Patna. The project was proposed as Agrani Woods and as per the sale deed, the complainant was sold plot D2 adjacent to plot no.D3 and D4. It is stated that he has already paid the full amount to the respondent and post full payment of sale amount, land was sold by M/s Agrani Infra Pvt. Ltd. in his name and his spouse Smr. Archana Sinha vide abovementioned sale deed dated 11.09.2012.

The complainant has placed on record the copy of the Deed of absolute Sale.

On the last date of hearing three days time was given to the respondent to file reply but the respondent has not filed any reply till date.

In the Conciliation Forum, learned counsel for the complainant submitted that the respondent, on one or the other ground, is not handing over possession of the land allotted to the complainant, in spite of execution of registered sale deed by the respondent Director, Shri Shiv Kumar in favour of the complainant, whereon learned counsel for the respondent submitted that the land allotted to

the complainant by the respondent would not come under the possession of the respondent and that is why the delivery of possession of allotted land cannot be possible. In such circumstances, the delivery of land cannot be given to the complainant but the respondent is ready to refund the principal amount to the complainant along with accrued interest.

Learned counsel for the complainant submitted that the complainant had purchased a plot bearing Plot No.D-2 admeasuring 62.5 decimals in the said project and after paying the full amount, the sale deed has been executed on 11.09.2012 but the respondent has not handed over the possession of the land. His specific prayer is to direct the respondent to give actual physical possession and issue possession letter with specific khata and plot number of the land.

Learned counsel for the respondent submitted that as because he did not get any transaction detail of full amount paid by the complainant, he could not file reply on which learned counsel for the complainant submitted that in the absolute sale deed it is clearly mentioned that the full payment has already been made and accordingly, registration has been done for the plot in question. Learned counsel for the respondent submitted that he has not got the full payment for the plot.

At Page-5 of the absolute Sale Deed dated 11.09.2012 it is stated as follows:

“ The vendor received the consideration amount and considering all the pros and cons of the property with respect to an area of 27220 sq.ft. only from the above mentioned khata and plots as mentioned in column no.5.

The entire consideration amount, a sum of Rs.9.00 lakh (Rs.Nine Lacs Only), has already been paid to the Vendor by the Vendee before execution of this deed and the Vendor also acknowledges the same.

The Vendor hereby conveys and transfers by way of absolute sale on his right, title and interest and possession in respect to the property described in column no.5 mentioned above to the Vendee to HOLD and to ENJOY the same as absolute owner thereof free from all encumbrances and charges and the possession of the said property mentioned in column no.5, of this deed has been delivered to the Vendee and the Vendee is free to get his name mutated over the said property and use the same as per their choice.”

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 give actual physical possession and issue possession letter with specific khata and plot number of the land as per sale deed dated 11.09.2012 within sixty days of issue of the order.

With these directions and observations, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)