

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. RERA/CC/505/2021

Vijay Kant Mishra and Anupma Mishra ...Complainant

Vs.

M/s Vision Land Pvt. Ltd.....Respondent

Project: - Vision Polaris

Interim Order

16/09/2022

20-09-2022

The matter was last heard on 22.08.2022.

The case of the complainants is that they purchased flat no. B-604 in the project Vision Polaris for which agreement for sale was executed on 15-09-2017, but the respondent has not yet completed the project as promised with all amenities. The complainant has paid Rs. 8,69,684/- through cheque and Rs. 22,00,000/- was paid through ICICI Bank out of the total consideration of Rs. 43,48,420/-. He has prayed for possession and Rs. 15,000/- per month as rent.

The complainant has placed on record a copy of registered agreement for sale, account statement, money receipts, cheque and bank loan detail.

Perused the records. The complainant has a petition to amend the FORM N to FORM M. No reply

has been filed by the respondent and a petition to condone the non-appearance of the complainant.

The non-appearance of the complainant on the last date of hearing is condoned.

The Authority observes that respondent failed to appear before the Bench on the last dated of hearing, despite notice was issued to the respondent.

The Bench recalls that the learned counsel for the respondent was present in another complaint case against the respondent for the same project. The learned counsel submitted that the respondent will start the construction as soon as the complainant starts to pay the remaining consideration amount. The learned counsel for the promoter further submitted that if the ban on selling unsold flats is lifted, they would be able to complete the project.

The Bench recalls that in another complaint case for the same project following directions were given to the respondent to file on oath stating therein the construction schedule of the project and certificate from C.A. and architect for the amount released against the consideration paid by the allottees and the detail of amount spent on the project within 2 weeks with a copy to complainant. The Bench further directs the respondent to submit an application for lifting the ban

on sale of unsold apartments and issue demand letter to the complainant for the remaining consideration amount.

The Bench recalls that a show cause notice dated 25-07-2022 was issued to the respondent to upload the Quarterly Progress Report in accordance with section 11 of RERA Act, 2016 and a notice dated 12/07/2022 was also issued to pay the penalty. The Bench directs the respondent to comply with both the notices before the next date of hearing.

Inform both the parties accordingly and send a copy of interim order to both the parties.

Put up for hearing on 26.9.2022.

Sd/-

**Naveen Verma
(Chairman)**