

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No.CC/817/2021

Nikhil Pandey.....Complainant

Vs

M/s Jascon Enterbuild Ltd.....Respondent

Project: Jascon Nayak Residency

Present: For Complainant: Mr. Deepak Kumar, Advocate

For Respondent: Mr. Punit Kumar, Advocate

11/05/2022

Order

Hearing taken up. Learned counsel for both the parties are present.

The case of the complainant is filed on 01-08-2021, seeking relief to direct the respondent to hand over the physical possession of flat with all the amenities and execute Absolute Sale Deed in favour of complainant and compensation for delay in handing over the flat.

Learned counsel for complainant submits that the complaint of the complainant is about non-completion of the project. Learned counsel further submits that agreement for sale was executed in the year 2012 and more than ten years have passed but the project is still incomplete. Learned counsel further submits that 90% amount i.e. Rs.18,10,000/- has already been paid by the complainant. Learned counsel also submits that till date work has not been completed by the respondent. Learned counsel further submits that complainant is ready to pay rest 10% of the amount, if the respondent will hand over the possession and execute the sale deed.

Learned counsel for the respondent submits that they had filed the reply and states that in reply they had mentioned that the major portion of the allottees have not released the last payment. Learned counsel further submits that respondent is ready to deliver the flat in six months, subject to payment of last installment by the allottees. All the works have been done.

The Bench enquire the compliant that whether they are ready to take the possession of flat within 6 months for which complainant submits that such much time cannot be given to respondent and pray for shorter time for which respondent agreed to deliver the possession of flat within 3 months with completing all the finishing work and will complete the common areas work in 6 months.

The bench takes notes of the assurance of the respondent and the submission of complainant and directs the respondent to complete the remaining work of flat with all the facilities within three months and hand over the possession of the same and observe that if the possession of flat with completion work is not handed over within the three months then cost of Rs.1000/- per day would be levied on each day of delay upon respondent.

The Bench also observes that complainant will pay remaining amount of 10% on the day of registry. The date for registry will be fixed by both the parties mutually.

The Bench also observes that common areas work with all the amenities shall be completed by the respondent within 6 months, failing which a cost of Rs.2,000/- per day would be levied on each day of delay upon respondent.

The Bench also observes that from the office record it appears that a Suo-Motu case under sections 35 & 59 of the Real Estate (Regulation and Development) Act, 2016 has already been initiated against the respondent company being RERA/SM/520/2022.

The Bench also directs the respondent to register the project immediately.

As regard compensation, the complainant is directed to press claim for compensation before the Adjudicating Officer.

This matter is disposed of accordingly.

Sd/-

Nupur Banerjee
Member