

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. CC/833/2021

Ejaj Kalim.....Complainant

Vs.

M/s Timeless Infrastructure Pvt. Ltd..... Respondent

Project: Wasim Residency

05/04/2023

ORDER

The matter was last heard on 06-09 -2022 and was put up for order on 03.11.2023 but the order could not be pronounced on the date fixed because of the pre-occupation of the Authority in the other matters.

The present complaint has been filed seeking relief to direct the respondent to hand over the possession of the flat no.301 with all the amenities as promised along with compensation.

The complainant has placed on record Agreement for Sale executed between the complainant and the respondent -promoter for the flat no. 301 in the respondent's project Wasim Apartment. Further, the complainant has also submitted that in lieu of the said booked flat, out of total consideration amount of Rs.26,50,000/-, he paid Rs.13,75,000/-. The complainant has further pleaded in his complaint that the respondent- promoter in 2017 has promised to handover the possession of the flat with in two years but till date the same has not been handed over to him.

The complainant further filed the supplementary petition in which he averred that this project is ongoing project and till date, the respondent-promoter has not registered the project with the Authority. Complainant has further filed a petition under section 37 and 38 of the RERA Act, read with Rule 24 of Bihar RERA Rules and also placed photograph of the building and prays for necessary action against the builder.

Perused record of the case. The respondent has neither filed any reply nor appeared before the Authority despite issue of notices.

In the light of document placed and arguments advance by learned counsel for the complainant, the Authority observes that it is evident from the record placed that respondent project Wasim Apartment is ongoing project and respondent has not registered the project with the authority in accordance with provision 1 of the section 3 of the RERA Act. Hence, respondent has violated section 3 of the Act, therefore, the office is directed to initiate Suo-Moto proceeding against the respondent-promoter under the provision of the section 59 of the Act.

The Authority further directs the respondent-promoter to hand over the possession of the flat in accordance with the Agreement for sale dated 09.11.2016 and accordingly, issue possession letter and execute the register sale deed in favor of the complainant and ensure that the said direction be complied within 60 days of issue of this order.

The Bench takes the note of penalty amount of Rs.10,000/- imposed upon the respondent during the course of hearing on 01.08.2022 and further, directs the respondent to deposit the same within sixty days, failing which action will be taken as per the provisions of the section 40 of the Act.

The complainant is directed to pay the due consideration amount in accordance with Agreement for Sale dated 09.11.2016.

The complainant is at liberty to press the claim for compensation before the court of A.O. as per the provisions of the Act.

Sd/-

Nupur Banerjee
Member