

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/493/2019

Kunal Kumar.....Complainant

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

Project: Agrani Woods

For Complainant: Mr. UdayBhan Singh, Advocate

**For Respondent: Mr. Rabindra Kumar, Advocate
Mr. Shiv Kumar, Advocate**

22/12/2022

ORDER

The matter was last heard on 18-08-2022 and was fixed for order on 08-09-2022 but on the same day learned counsel for complainant has submitted a petition praying for adjournment to submit further documents due to which order was postponed.

1. This complainant petition has been filed seeking relief to direct the respondent to provide physical possession of land with all the amenities as committed under the terms of sale deed no.3420, dated 12-04-2017. Further the complainant also seeks to direct the respondent to compensate by paying interest @10% on the total value of land for delay in delivery of the possession of the plot and to pay compensation of Rs.25,000/- for inconvenience, harassment and mental torture. Complainant has also prayed to direct the respondent to pay Rs.25,000/- as the litigation cost.
2. In short, the case of the complainant is that the respondent has executed the Sale Deed No. no.3420, dated 12-04-2017, in favor of complainant for the plot measuring 2722 sq. ft. on the consideration amount of Rs. 7 lakh after the payment of full consideration amount. It has been further submitted that respondent has given assurance to provide well planned

society with the facilities of good drainage system, electricity etc. but when complainant approached the plot, no development found as per deed and asked for physical possession. It has been further submitted that after the lapse of more than 4 years and after several requests the plot has been not handed over to complainant with development. Hence, this complaint.

3. The complainant on 23-06-2022 has filed an affidavit along with photographs stating therein what are the works which has not been done at the project sites like earth filling, approached road, electricity line/ street light, storm water drain, sewage drain, water line laid up to plot etc. showing through photographs. It has been further submitted that possession of plot has given and rectification deed is not executed.
4. Perused the record of the case. The respondent has filed its affidavit dated 28-06-2022 along with photographs showing the development at project site. It has been submitted by the respondent in affidavit that in compliance of the court order, the respondent has handed over physical possession as per company plot number. It has been further submitted that respondent has completed the provision of 30ft. Wide Road, Layout of Drainage, Water Supply and Electricity as per the agreement. It has been further stated that respondent has developed the land as per the agreement and in proof, the photograph is attached here with, for perusal and needful. It has been further submitted that affidavit filed on the behalf of the complainant is wrong, false and denied. It has been further submitted that it has wrongly been stated that earth filling has not been done and submitted that earth filling and leveling have been completed. It has been further submitted that electric line, road and all other amenities have also been completed and prayed for the disposal of the matter.
5. During the last hearing, learned counsel for the complainant has submitted that on the earlier occasion direction was given to remove the encroachment but the respondent has not taken any steps for removal of the encroachment. He further submitted that the respondent has not complied the earlier order.

Learned counsel for the respondent has submitted that the encroachment has been made by three persons. He assured that the encroachment will be removed within 1½ months. If the encroachment is not removed, then they will give the alternative offer. He further

submitted that all the development work has been done. If anything is remaining, that will be done within the project validity time.

The Bench takes the notes of committee report dated 18-02-202 placed on record for kind perusal as submitted by the committee went for inspection as per the direction of the Authority by giving their findings therein.

The Bench notes that no further affidavit or photographs showing development at the project site has been filed by any of the parties, hence, the order is being pronounced on the basis of documents, available on record or produced during the course of hearings by both the parties.

In the light of the submissions, advanced by learned counsel for the parties and documents placed, this Bench deals the issue raised in the present complainant in the following manner:-

As regards the possession of plot, the Bench takes the notes of submissions of both the parties on affidavit as well made during the course of hearings that possession of plot has been handed over and observes that this issue has been addressed and complied by the respondent.

As regards encroachment over approach road is concerned, the bench takes the assurance of learned counsel for respondent that the encroachment will be removed within 1½ months and directs the respondent and their directors to take all steps to remove the same within assured time, failing which as submitted, provide alternative plot on the same consideration amount.

As regard Development is concerned, the Bench takes the notes of photographs placed by both the parties as well as many photographs and videos of the project indicating development shown during the course of hearings and observes that it cannot be said that no development work has been done by the respondent at the project site but yes, few more works are needed to be done at the project site to say that project is complete and developed in all respect, hence, taking the notes of validity period of registration of the project is from 25-10-2019 to 31-12-2024, the Bench,

directs respondent to complete the work of development at the project sites required to be completed as per agreement within the validity period of project or as soon as possible, so that, complainant/allottees can stay/live there in better environment.

As regard, the execution of rectification deed is concerned, the Bench takes the notes of observation of Full Bench and directs respondent to execute rectification deed on own expense where required.

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, this complaint petition is disposed of.

Sd/-

Nupur Banerjee
Member