

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh &
Hon'ble Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar,**

RERA/CC/38/2024

Mrs. Anju Ray Complainant

Vs.

M/S Anu Anand Construction Pvt. Ltd. Respondent

For the complainant: Mr. Vivek Kumar, Advocate

For the Respondent: None

Project:- SAI ENCLAVE " BLOCK- J"

ORDER

24.07.2024 Hearing taken up. Mr. Vivek Kumar, Advocate, appears for the complainant. The respondent is absent.

Learned counsel for the complainant submits that the complainant had entered into an Agreement for Sale on 21.01.2019 to purchase Flat no.401, on 4th floor, in Block –J having super built up area of 1600 sq. ft. along with car parking in the project situated at Mustafapur, Danapur, Patna . The total consideration amount was Rs.35,00,000/- out of which she paid Rs.19,01,000/- and thereafter the respondent had issued allotment letter dated 11.03.2019 but the respondent failed to deliver the possession of the flat. He further submits that later on the complainant came to know that on the same flat already an Agreement for sale was executed and registered previously with another allottee by promoter and his execution is second registration of Agreement for Sale for the same flat. The complainant wants possession of the flat.

Considering the issue involved in this case where the respondent executed and registered two Agreements For Sale for the same flat, the Authority observes that Authority is not empowered to cancel the registered deed as it has no jurisdiction to decide such issue. Accordingly, the Authority holds that this case cannot be entertained by the Authority and hence, the complaint petition is rejected. However, the

complainant is at liberty to move the competent jurisdiction of the Civil Court for redressal of her grievances.

With the aforesaid observation, this case is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman