

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

**Hon'ble Member Mr. S.D. Jha, RERA, Bihar,**

RERA/CC/441/2023

Smt. Urmila Devi ..... Complainant

Vs.

M/s D.P.M. Infrastructure and Housing Pvt. Ltd. .... Respondent

For the complainant: Mr. Bibhuti Narayan, Advocate

For the Respondent: None

**Project:- D.P.M. PEARL**

**ORDER**

**25.07.2024** Hearing taken up. Mr. Bibhuti Narayan, Advocate, appears for the complainant. The respondent is absent.

2. In the last proceeding dated 25.06.2024 was imposed penalty of Rs.5000/- upon the respondent – promoter which was to be deposited before the next hearing i.e. 25.07.2024 but the same has not been deposited as evident from the record. He is directed to deposit penalty immediately before 31<sup>st</sup> July, 2024, failing which additional penalty of Rs.5000/- per day would be imposed from the 1<sup>st</sup> August, 2024 till the date of payment. Let a copy of this order be sent to the Compliance Wing, RERA, for taking necessary steps under Section 40 of the RERA Act, 2016 for realization of penalty amount.

3. Learned counsel for the complainant submits that the respondent has not filed counter reply in spite of two weeks' time granted with observation that in case of non-compliance, it would be presumed that the respondent has nothing to say in this matter and an order would be passed on the basis of material available on the record. It was also observed that no further adjournment would be given in this case. He further submits that this case may be disposed of today, to which the Authority agrees keeping in view the non-cooperative attitude of the respondent and , accordingly, the order is being passed.

4. During course of argument learned counsel for the complainant submits that the complainant had entered into Development Agreement with the respondent on 01.06.2013, wherein it was agreed that the complainant would 47% of the total built area including car parking. The apartment was to be completed within three years and six months as grace period from the date of approval of the map from the PMC but till date the respondent has neither completed flats of her share nor has delivered possession. The complainant wants possession of the flats of her share with all amenities.

5. Perused the record. The Authority observes that the respondent has neither honoured the commitment to complete the flats of the share of the complainant within the time granted nor has handover the same with all amenities so far. The Authority also observes that the respondent – promoter does not want to get this case disposed of because vide proceeding 21.06.2024, as requested, he was directed to file counter reply within two weeks with observation that in case of non-compliance, it would be presumed that he has nothing to say in this matter and an order would be passed on the basis of material available on the record. It was also observed that no further adjournment would be given in this case but till date the counter reply has not been filed. Taking into consideration the hardship being faced by the complainant and non-cooperative attitude of the respondent, the Authority does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself.

6. In the backdrop of the submissions made on behalf of the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Director Mr. Pankaj Kumar Singh to deliver possession of 47% share of the total constructed flats including the car parking to the complainant –landowner after completing their construction work with all amenities as per the Agreement as

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well as completing the legal formalities within two months from the date of issues of this order.

**With the aforesaid observations and direction, this case is disposed of.**

**Sd/-  
S.D. Jha,  
Member**