

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/691/2021

RERA/AO/239/2021

Md. Ashraf Complainant

Vs.

M/s Nadisa Developers Pvt. Ltd. Respondent

For the complainant: Mr. Ali Ghulam Ashraf, son,

For the Respondent: None

Project: CHISHTY NAGAR MAGA CITY

ORDER

11.04.2023 Hearing taken up. Mr. Ali Ghulam Ashraf, son of the complainant, appears for the complainant through an authorization letter dated 11.4.2023, which is on the record. The respondent is absent. On the last date i.e. 16.02.2023 also, the respondent was absent. The record further reveals that in the proceeding held before the Adjudicating Officer on 8.12.2022 also, the respondent was absent.

The matter was last heard on 16.02.2023 and a proceeding was drawn, wherein, the Authority directed the Registration Wing of the RERA to verify whether the said project namely CHISHTY NAGAR MAGA CITY is registered, and if it is not registered, then a suo motu proceeding may be initiated against the respondent.

The Registration Wing has submitted its report, which is on the record, from which it appears that the said project is not registered and a suo motu proceeding bearing no RERA/SM/587/2023 has been initiated against the respondent.

The son of the complainant submits that the complainant booked a plot admeasuring 2 kattha in the project located at Village - Vyapur, Police Station - Maner, District – Patna, for which a Registered Deed was executed on 04.12.2012, a copy of which is placed on the record, but the promoter has failed to handover the possession of the plot till date and mutation is still awaited. Therefore, the complainant has filed the present complaint case for possession.

Today, the son of the complainant has reiterated his prayer for possession of the plot and has stated that the complainant has paid total

consideration amount of Rs.5,32,000/- to the respondent, which is mentioned in the Deed.

The Bench notes that despite issuance of notice dated 20.3.2023, the respondent failed to appear before the Authority. It was clearly mentioned in the proceeding dated 16.2.2023 that in case of non-compliance/non-appearance, the case will be disposed of on the next date on merit on the basis of material available on record.

Perused the record. The Bench observes that the total consideration of the plot is Rs.5,32,000/- as per the registered deed dated 04.12.2012.

After considering the documents filed by the complainant and the submissions made on his behalf as well as considering the hardship being faced by the complainant and also the indifferent 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 with a direction to the respondent company and its Directors Md. Shaami, Village – Chisty Colony, Vyapur, Maner District – Patna and Ali Ghulam Ashraf, Faridi House, Old Azimabad Colony, Near Shahganj Kabrisgtan, P.s. Sultanganj, District – Patna, to handover the possession of plot within 30 days and in case of default, they would be liable to pay Rs.1000/- for each day of default.

With these direction and observation, this case is disposed of.

sd/-
S.D.Jha
Member