

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Conciliation Forum Bench
Mr. Ved Prakash, Senior Legal Consultant

RERA/CC/23/2024

Mr. Raju PrasadComplainant(s)
Vs
M/s Adhunik Construction (India) Pvt. Ltd.Respondent
PROJECT- Charubala Apartment

For the complainant: Mr. Jai Ram Singh (Adv.)
For the respondent : Ms. Shubhangy Pandey (Adv.)

20.05.2024 PROCEEDING

Shri Jai Ram Singh, learned counsel on behalf of complainant and Shri Shubhangy Pandey, learned counsel on behalf of respondent along with Director, Shri Kamal Dey for respondent company are present.

Learned counsel for complainant submits that the respondent has not provided amenities like Generator Set, Guard Room, proper parking space, Transformer, intercom facility. He has also not handed over documents to the complainant and other allottees. On the other hand, learned counsel for respondent by filing reply submits that the complainant has already moved before the PMC in complaint case no. 46 B/2021, which is still pending for the same grievance. So the present matter is subjudice and barred by section 10 of the CPC, and as such, the present matter is not maintainable. She further submits that the Apartment at issue was completed and handed over in 2008, and the complainant has moved before the Hon'ble Authority after 16 year without explanation of delay. Hence, the complainant's case is also barred by limitation.

Considering the rival submissions of the parties, and the preliminary objection raised by the respondent on the point of limitation and its maintainability, the conciliation fails and the record is referred to the Hon'ble Authority for deciding it on merit.

Sd/-
(Ved Prakash)
Senior Legal Consultant
RERA, Bihar