

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

**RERA/CC/514/2022**

**Smt. Sunaina Kumari Paswan..... Complainant**

**Vs.**

**M/s Ghar Lakshmi Buildcon Pvt. Ltd. .... Respondent**

**For the complainant: Mr. Sumit Kumar, Advocate**

**For the Respondent: Mr. Sujit Chandra Keshari**

**Project: SARITA KUNJ PHASE -2**

**ORDER**

**05.09.2024**

This case was last hear on 28.08.2024 and the order was reserved. Mr. Sumit Kumar, Advocate, appeared and defended the case of the complainant whereas Mr. Sujit Chandra Keshari, representative of the respondent – promoter, appeared and defended the case of the respondent. The complainant vide proceeding dated 28.08.2024 was directed to file submission on affidavit mentioning therein that he is willing to wait for possession till completion of the project, which has been filed on 04.09.2024 and the same would be dealt with herein below. The order is being delivered today i.e. 05.09.2024.

2. Learned counsel for the complainant submitted that the complainant had entered into an Agreement for Sale –Flat dated 24.08.2018 with the respondent to purchase Flat no.304 in Block – A in the project on consideration amount of Rs.16,00,000/-, out of which he paid Rs.11,00,000/- between the year 2015 to 2021. The possession was to be handed over by July, 2018 , but till date the respondent has only completed the structure work and the finishing work has been totally left. He further submits that the registration of the project had expired twice and again the respondent has applied for extension. The complainant wants for getting the project completed and to hand over possession of flat, for which he would wait till completion of

the project and, to the said effect, he has filed submission on affidavit on 04.09.2024, which is kept on the record.

/2/

3. The Authority notes that vide proceedings dated 20.04.2023, 07.06.2023, 02.08.2023, 10.08.2023, 04.10.2023 & 08.12.2023 the respondent - promoter was directed to appear and file counter reply but neither appeared nor filed counter. Thereafter, in the proceedings dated 31.01.20-24, 03.04.2024 & 29.05.2024 Sri Ishtiyaque Hussain, Advocate, appeared but did not file reply. On 10.07.2024 Mr. Manoj Kumar, Director of the respondent – company appeared and requested for one month’s time to file counter reply but he did not file reply and when the case came for hearing on 28.08.2024 a representative of the respondent – company again requested for time to file counter reply which was rejected and the order was reserved.

4. Perused the record. The Authority observes that till date the Authority has neither honoured the commitment made in the Agreement of handing over the flat within the specified time nor has been cooperating with the Authority in spite of sufficient opportunities provided to him to appear and file counter reply. The Authority also observes that the respondent - promoter had also not cooperated the Conciliation Forum during conciliation proceedings in getting the issue resolved at the Conciliation Forum level in spite of the fact that the has already received Rs.11,00,000/- out of consideration amount of Rs.16,00,000/- between the year 2015 to 2021. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority does not think it proper to allow this case pending for further period and, accordingly, this case is disposed of.

5. Taking into consideration the aforesaid facts and the observations made above and also considering the fact that the complainant is willing to wait for possession of flat till completion of the project, the Authority directs the respondent and its Director Rahul Kumar to handover possession of Flat no.304 of Phase -2 in Block – A on third floor of 1020 sq. ft. with all amenities, as specified in the Agreement, to the complainant after getting the project completed and execute Conveyance Deed after completing all legal formalities. The

/4/

complainant is directed to pay the remaining amount of consideration money after getting possession of the flat and before execution of Conveyance Deed.

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

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

Sd/-  
**Vivek Kumar Singh**  
**Chairman**