

**REAL ESTATE REGULATORY AUTHORITY, BIHAR,
Before the Double Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh**

&

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

RERA/CC/542/2023

Bipul Kumar...Complainant

Vs.

M/s Ghar Laxmi Buildcon Pvt. Ltd....Respondent

PROJECT- SARITA KUNJ PHASE-1

ORDER

16.10.2024 Hearing taken up. Mr. Gaurav Sharma, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that the complainant booked a 3 BHK Flat no.302 on 3rd floor in Block- B along with Car parking in the project "Sarita Kunj Phase - 1" situated at Jaganpura road, Bhogipur, Patna, on consideration amount of Rs.26,80,000/- and thereafter the respondent issued an allotment letter dated 13.04.2017. Out of the total consideration amount, the complainant paid Rs.25,06,000/- against which acknowledgement receipts were issued by the respondent. He further submits that the flat was to be handed over within the specified time but till date the same has not been provided. He also submits that the structure of the project is complete. Only finishing works are to be completed but now the project comes under the lapsed category. The complainant wants possession of the flat and he is ready to wait till its completion. Lastly, he submits that he is willing to pay the remaining amount before execution of the Conveyance Deed.

3. The Authority notes that vide proceeding dated 28.08.2024, as prayed, the respondent was directed to file reply within two weeks with further direction that in case of non-compliance, an order would be passed on the basis of

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material available on the record. It was also made clear that no adjournment would be given in this case but the respondent has neither appeared in this case nor filed counter reply. Consequently, the Authority is left with no option but to dispose of this case on the basis of material available on the record.

4. Perused the record. The Authority observes that the respondent has neither honoured the commitment of handing over the flat within the time granted, nor has he been cooperating in disposal of this case, in spite of several opportunities having been given to the respondent to file counter reply. Hence, for equity and justice, the Authority is compelled to pass an order for handing over possession of the flat to the complainant as soon as it is completed, as the complainant is willing to wait for possession of the flat till its completion.

5. Taking into consideration the aforesaid facts and the fact that the project in question has come under the category of the lapsed project, the Authority does not think it appropriate to direct the respondent - company and its Director Mr. Rahul Kumar to hand over possession of the flat in question and execute the Conveyance Deed. However, the Authority observes that as soon as the project is completed, the complainant would be delivered possession of Flat no.302 and Conveyance Deed would also be executed in his favour after completion of all legal formalities. The complainant is, however, directed that he would make payment of the remaining amount before execution of the Conveyance Deed.

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

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

**Sd/-
Vivek Kumar Singh
Chairman**