

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/02/2024

Nayar Azam Complainant

Vs.

M/s Ekta Sahkari Grih Nirman Samiti Ltd. Respondent

For the complainant: Mr. Sumit Kumar, Advocate

For the Respondent: Mr. Sharad Shekhar, Advocate

Project:- EKTA NAGAR

PROCEEDING

20.08.2024 Hearing taken up. Mr. Sumit Kumar, Advocate, appears for the complainant. Mr. Sharad Shekhar, Advocate, appears for the respondent.

Learned counsel for the respondent has filed hard copy of the supplementary counter reply today in response to the rejoinder filed online by the complainant on 20.08.2024 and a copy of which has been handed over to the complainant's counsel.

Learned counsel for the complainant submits that even though the Conveyance Deed of the plot has already been executed in favour of the complainant but till date possession of the plot along with amenities as shown in the map has not been delivered. The complainant wants possession of the plot along with amenities. By filing two Conveyance Deeds executed by the respondent in the year, 2017 & 2023 submits that the project is an ongoing project. He also submits that the complainant is not party in the Title Suits pending before the Civil Court.

Learned counsel for the respondent submits that there was no Agreement between the complainant and the respondent – promoter. He also submits that there was no sanctioned map as at the relevant time it did not come under the Municipal Corporation. He also submits that Sale Deed has been executed by the respondent and possession of the plot

has been handed over ipso facto. He further submits that the project in question does not fall within the category of ongoing project as the respondent has been selling only those plots to the new purchaser which were surrendered by the earlier allottees before coming into force of the RERA Act, 2016 and also the respondent has not been making any fresh advertisement. Hence, the present case is not maintainable

Learned counsel for the complainants in response submits that the respondent is not correct in submitting that after execution of the Sale Deed possession was delivered to the complainant, if it is so then he may be directed to furnish the documents to establish that the complainant has been handed over physical possession of the land. He further submits that the respondent is intentionally not handing over possession to the allottees so as to compel them to sell back their plots to the respondent – society who would in turn sell those plots to another buyers on higher rates. He also submits that an enquiry may be conducted by the Technical Team of the Authority which will bring the correct picture of possession.

Considering the complexity and the nature of dispute involved, it is considered appropriate to transfer this case to the Full Bench and, accordingly, it is transferred to the Full Bench.

Sd/-
S.D. Jha,
Member