

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/395/2023

Nirmala Devi Complainant

Vs.

M/s NeelkanthaSoluation Pvt. Ltd. Respondent

For the complainant: Mr. Ishtiyaque Hussain, Advocate

For the Respondent: Mr. Sanjeev Kumar, Advocate,

Project:- NEELKANTHA DINESH RESIDENCY

PROCEEDING

28.05.2024 Hearing taken up. Mr. Ishtiyaque Hussain, Advocate, appears for the complainant. Mr Sanjeev Kumar, Advocate, appears for the respondent.

Learned counsel for the complainant submits that as per the Development Agreement dated 05.10.2012, the complainant – landowner is to be given 43% of the total flats made over her land. The respondent – promoter has constructed total thirty flats, out of which, as per Agreement, the complainant would get thirteen flats but the respondent - promoter has only given twelve flats, which are in possession of the complainant - landowner. The complainant requests for handing over possession of one more flat.

Learned counsel for the respondent submits that the complainant has not filed rejoinder to written statement –cum- preliminary objection filed by him through mail dated 24.5.2024 in spite of direction given in the proceeding dated 22.4.2024. He also submits that the complainant - landowner has not deposited 50% of the GST accrued against the project, to which the complainant's counsel submits that the complainant – landowner is not liable to pay GST. He also submits that in this case the Development Agreement was executed before coming into force of the RERA Act, 2016 and, therefore, Arbitration Clause would apply in this case. Lastly, he

submits that the respondent – promoter had also given Rs.28,00,000/- to the complainant.

Learned counsel for the respondent requests for one week's time to file written arguments, which is allowed. He is directed to file the same within a week. In case of non-compliance, it would be presumed that he has nothing to further say in this case and an order would be passed on merit on the basis of material available on the record.

Learned counsel for the complainant submits that he has nothing to further submit in this case and he requests that an order may be passed on merit.

With the mutual consent, the order is reserved.

Sd/-
S.D. Jha,
Member