

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh
& Hon'ble Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar,**

RERA/CC/40/2022

Rajesh Kumar Complainant

Vs.

M/S Patna Green Housing Pvt. Ltd. Respondent

For the complainant: Mr. Sharad Shekhar, Advocate

For the Respondent: None

Project:- METRO GREEN CITY "BLOCK B"

PROCEEDING

24.07.2024 Hearing taken up. Mr. Sharad Shekhar, Advocate, appears for the complainant. The respondent is absent.

Learned counsel for the complainant submits that the project pertaining to this complaint is lapsed project. He further submits that the complainant booked Plot no.B-13 of 1200 sq. ft. in the said project and made payment of Rs.6,08,888/- out of consideration amount of Rs.9.43 lakh and the MOU was signed between the parties on 22.07.2018, but till date the respondent failed to handover the possession. Hence, this complaint has been filed for handing over possession of the plot with all amenities. He also submits that vide interim order dated 14.09.2023 it was observed by the Authority that since the Agreement For Sale has not been executed in the prescribed proforma, the Compliance Wing of RERA was asked to ensure that the promoter fulfils all obligations as prescribed.

Learned counsel for the complainant requests for some to proceed with publishing the public notice in the newspaper to enforce attendance of the respondent.

By way of last opportunity, the complainant is given one month's time to get the public notice published in the newspaper to ensure attendance of the respondent, failing which it would be presumed that the complainant is not interested in

pursuing the matter and the case would be dismissed as not pursued.

Having gone through the record, the Authority observes that the respondent is not appearing in this case willfully and, therefore, a penalty of Rs.50,000/- is imposed upon the respondent – promoter under the provision of Section 63 of the RERA Act, 2016, which shall be paid within 15 days, failing which additional penalty of Rs.1000/- per day would be imposed w.e.f. 12.08.2024. Send a copy of this order to the Compliance Wing, RERA, for taking necessary action for recovery of the penalty amount as provided under Section 40 of the RERA Act, 2016.

The respondent is directed to appear on the next date of hearing. In case of non-appearance it would be presumed that he has nothing to say in this matter and the Authority would take further action in the matter on the basis of material available on the record.

This case is transferred to the Division Bench to be presided over by Hon'ble the Chairman Sri Vivek Kumar Singh and Hon'ble Member Sri S.D.Jha.

Put up for hearing on 04.09.2024.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman