

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/535/2023

Mithlesh Kumar Sinha Complainant

Vs.

M/s Shree Shyam Infracon Pvt. Ltd.Respondent

For the complainant: Mr. Dhaneshwar Gupta, Advocate

For the Respondent: Mr. Amit Singh, Advocate

Project:- LAXMI SHYAM RESIDENCY

PROCEEDING

25.07.2024 Hearing taken up. Mr. Dhaneshwar Gupta, Advocate, appears for the complainant. Mr. Amit Singh, Advocate, appears for the complainant.

Learned counsel for the complainant has filed rejoinder today and a copy of which has been handed over to the respondent's counsel before the Bench.

Learned counsel for the complainant submits that the complainant is the landowner who entered into a Development Agreement with the respondent on 16.06.2015, in which it was agreed that the complainant would 50% share of the built up area. He further submits that as per Share Division, the respondent – promoter has to allot total 19419 sq. ft. in the residential flats but he has allotted 19100 sq.ft. which is less than the share. He further submits that the respondent has tampered with the figure of Flat no.607 on page 23 of the Share Division Agreement. He also submits that the respondent has to allot in Block –A 1156 sq. ft. carpet area but he has allotted only 1056 sq. ft. He also submits that the respondent has sold Shop no.3 on the ground floor without Share Division, for which Title Suit no.21 of 2024 has been filed to declare the Sale Deed dated 20.12.2022 as null and void. On query regarding evidence in respect of the aforesaid submissions, he submits that by filing rejoinder he would bring on record the evidence in support of the submissions. He also submits that he would also give reply to the

preliminary objection cum reply dated 22.07.2024 filed on behalf of the respondent.

Learned counsel for the respondent submits that regarding filing of the Title Suit the complainant never made submission either before the Conciliation Forum or the Authority. He also submits that the complainant has been handed over his share in the building which has been accepted by the complainant in writing and that would be evident by the Annexure -1 series. On query regarding non availability of Annexure -1 series, he submits that he would file the same with the supplementary reply.

Learned counsel for the complainant is directed to file supplementary rejoinder with supporting evidence within three weeks with a copy to the respondent's counsel who will file reply to the rejoinder dated 25.07.2024 as well as supplementary rejoinder annexing Annexure -1 series within a week thereafter.

Put up for hearing on 27.08.2024.

Sd/-
S.D. Jha,
Member