

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/540/2023

Md. Gulab Anwar Complainant

Vs.

M/s Chitra Homes Pvt. Ltd.Respondent

For the complainant: Mr. Ishtiyaque Hussain, Advocate

For the Respondent: Mr. Mayank Rukhyiar, Advocate

Project:- A1 – FALASH ENCLAVE

PROCEEDING

25.07.2024 Hearing taken up. Mr. Ishtiyaque Hussain, Advocate, appears for the complainant. Mr. Mayank Rukhyiar, Advocate, appears for the respondent.

Learned counsel for the complainant has filed reply to the counter affidavit of the respondent today and a copy of which has been served upon the respondent's counsel.

Learned counsel for the complainant submits that the complainant has already paid Rs.32,55,244/- out of the total consideration amount of Rs.35,11,000/- and the remaining amount of Rs.2,55,756/- remains to be paid by the concerned Bank, from which the complainant's has taken loan. He further submits that there is no delay in making payment by the complainant. He made entire payment from 19.03.2021 to 18.11.2021, that is within nine months. Only last installment is to be released by the financing Bank. He also submits that neither legal notice regarding cancellation of booking has ever been received by complainant nor any information to that extent on his Whatsapp or mail has been received by him. He also submits that as per Cancellation of Agreement dated 28.08.2023 the entire amount was to be refunded to the complainant within thirty days but the same was not done. Lastly, he submits that the respondent took signature on the Cancellation Agreement under pressure and on false pretext.

For all these reasons, the complainant wants that Cancellation of Agreement dated 28.08.2023 may be cancelled and the respondent should be directed to deliver possession of the flat. He also submits that he would like to file supplementary rejoinder to the written statement dated 24.06.2024 within four weeks, which is allowed.

Learned counsel for the respondent submits that in view of the default in payment by the complainant caused a Legal Notice dated 23.06.2023 and on request of the complainant cancellation of agreement has been executed between the parties on 28.08.2023. He also submits that the complainant willfully did not bring the agreement to sell on record of his complaint. The complainant has also concealed the fact that the respondents sent legal notice to him and in response thereof the complainant executed cancellation of agreement.

Learned counsel for the complainant is directed to file supplementary rejoinder within one month with a copy to the respondent's counsel, who will file reply within two weeks thereafter. In case of non-compliance by either of the parties, it would be presumed that he has nothing to say further and an order would be passed on the basis of material available on the record.

Put up for hearing/order on 12.09.2024.

Sd/-
S.D. Jha,
Member