

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee

Complaint Case No. RERA/CC/739/2021

Mrs. Raj Kumari Devi.....Complainant

M/s DDL Infratech Pvt. Ltd.....Respondent

Project: Agrani Woods

For Complainant: In Person

For Respondent: Mr. Rabindra Kumar, Advocate
Mr. Shiv Kumar, Advocate

01/09/2022

ORDER

The matter was last heard on 19-07-2022.

1. This complainant petition has been filed seeking relief to direct the respondent to handover the developed plot along with interest at the rate of 10% from the date till its acquisition. Further the complainant also seeks to direct the respondent to pay 5 Lakh as compensation on account of harassment.
2. In short, the case of the complainant is that the complainant had purchased a land bearing part plot nos.D-54, 55, 55, admeasuring 6805sq.ft each that is 15.625 decimal in the respondent's project. It has been further submitted that after the full payment of the consideration amount, the same purchased land was registered in the name of complainant vide deed nos. 4313, 4312 & 4225 dated 13/05/2013, 13/05/2013 & 11/05/2013 respectively. It has been further submitted that after payment of full consideration amount that is Rs 7,90,000/- for the purchased of plot and Rs.2,00,000/- for the cost of development and even after lapse of more than 8 years and several meetings and requests for development and handing over of developed plot and several commitment made by the respondent company (last commitment made on 22nd Dec 2019

to handover the plot on 10th Jan 2020), the possession of the developed land is not handed over to him till date. Hence, this complaint.

3. On 20-08-2022, complainant has placed a mail having communication with respondent company.
4. Perused the record of the case. The respondent has through mail dated 1-08-2022, filed a copy of possession letter dated 01-08-2022 and receipt of map submitted before Patna metropolitan, Patna.
5. During the last hearing, the son of the complainant submits that the physical possession has not been handed over. The possession letter, which has been given, is faulty one. That is not matched with the registered deed. So, rectification is required.

In the light of the submissions made by both the parties and documents placed, this Bench deals the issue raised in the present complainant in the following manner:-

As regards the possession of plot, the Bench while taking the notes of submissions of both the parties and considering the possessions letter dated 01-08-2022 placed on record by respondent and denial of same by complainant stating that possession letter issued by respondent is not matching with registered sale deed. Upon this issue the Bench, directs respondent to issue fresh possession letter to complainant in consonance to registered sale deed dated 11-05-2013, showing Khata and Survey Plot No. immediately and hand over the actual possession of the alleged plots of complainant as per the fresh possession letter issued within 60 days of issuance of this order with proper demarcation and further directs complainant to take the possession of the same. If the respondent fails to hand over the actual possession within the time frame as directed above then penalty would be levied upon respondent.

As regards issue of map is concerned, the Bench takes the notes of receipt of submission of map submitted for approval before the Competent Authority placed on record by the respondent and directs respondent to provide the copy of

map to allottees as well as complainant as soon as it gets approved by the competent Authority. In meanwhile provide a copy of map submitted during taking the registration of the project from the Authority.

As regard Development is concerned, the Bench takes the notes of submission of complainant that the some development work has been done by the respondent and also takes the notes of validity period of registration of the project is from 25-10-2019 to 31-12-2024, hence, Bench considering the validity period of project is still there, observes that if any work in respect to development as per agreement is not completed or required to be completed then respondent can complete the same in the validity period of project or as soon as possible so that complainant can live there in better environment.

As regard, the execution of rectification deed is concerned, the Bench takes the notes of observation of Full Bench and directs respondent to execute rectification deed on own expenses where required.

As regards interest for delay and compensation is concerned, the complainant is at liberty to press the same before the A.O.

With these directions and observations, this complaint petition is disposed of.

Sd/-
Nupur Banerjee
Member