

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. CC/1071/2021

Shakuntala Devi **Complainant**

Vs

M/s Trishul Classicon Pvt. Ltd. **Respondent**

Project: R.N. Tower

Present: For Complainant: Mr. S.K. Sinha, Advocate

For Respondent: Ms. Kirti Suman, Advocate

01/09/2022

PROCEEDING

Hearing taken up. Both the parties are present.

Learned counsel for the complainant submits that the complainant is the land owner and the share has been divided into the ratio of 60% and 40%. The construction has been made. There are six co-sharers. The respondent have filed counter affidavit which is contradictory in nature. As per agreement, they have not authorized to distribute to six co-sharers. The distribution is completely wrong and in complete violation of the principles of natural justice. The agreement was made between the land owner and the builder. All the land owners have signed the development agreement. The respondent has not used the good materials during construction. He referred to paragraph 11 of the counter reply. He further submits that as per law, if there is no proper explanation in the agreement, they cannot make distribution. His submission is that after completion of 60% share, they cannot send the letter to anybody. He further submits that on each and every floor, we have to be given a shop. He further submits that building is not completed. No shutter has been fitted in the shop. No karnish work has been done. The distribution is wrong.

Learned counsel for the respondent submits that the possession letter is ready but she is not interested in taking possession. There are six land owners and five have already taken the possession. She is only one to take the possession. She further submits that she has annexed the occupancy certificate and completion certificate with the reply. There is no dispute among the other five. She further submits that as per last direction, she has brought keys of shops and possession letter.

The Bench asked the complainant present in person that whether he wants to take the keys or possession letter of the allotted shops of their share or not for which complainant in person submits that he will not take as the shares are not divided properly and works are incomplete.

Heard the parties at length. Let the matter be kept for order. Both the parties are at liberty to file their written submissions or additional documents, if they wish to, within 2 weeks.

Put up for orders on 25.10.2022.

Sd/-

Nupur Banerjee
Member