

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Case No. CC/434/2019, 985/2020, 1036/2020, 1037/2020**

**Sandeep Kumar Kanth/ Dr. Anjani Kumar/ Satyendra Kumar Sinha/**

**Manjula Sinha .....Complainants**

**Vs**

**M/s DPM Infrastructure & Housing Pvt. Ltd. ....Respondent**

**Project: Keshav Enclave**

**Present: For Complainant: In person**

**Mr. Radha Mohan Pandey, Advocate**

**For Respondent: Mr. Pankaj Singh, M.D.**

**For Land owner: Mr. Umesh Singh, Advocate**

**05/09/2022**

**PROCEEDING**

Hearing taken up. Both the parties are present.

The complainants along with learned counsel Mr. Radha Mohan, present submits that they had filed an affidavit and other documents as per the last hearing direction. This is almost 13 hearing in the RERA but the respondent does not appear for hearing. They are not making any contact from the complainants. All the complainants paid the money but they did not hand over the flat. He further submits that the association of allottees has been formed and registered as per the direction of the Authority. Learned counsel further submits that association may be allowed to complete the pending work in the building. Learned counsel further submits that they may be permitted to do the work from their own resources. Learned counsel also submits that one Flat No. 406 is unsold which falls in the promoter shares. He further submits that the Structure of the building is almost ready and only finishing work is left out. All the flat owners have made an association. Some allottees had paid the full payment. He further submits that allottees along with landowner want to complete the flat themselves. Only one flat is unsold.

Learned counsel for the land owner submits that the association is formed. Only interior work is left. The land owners have not sold their shares of flat. The building is yet to be completed. He further submits that landowner has no objection if the building is constructed through the association. He further submits that promoter should be ousting from this project.

The complainant submits that they want permission to sell the unsold one flat and the money received from selling flat can be utilized in the building work. Association is doing all the works. Association has written in their

affidavit that if any cancellation made out, they will take the liability to refund the amount.

The M.D. of the respondent company appears through the Video conferencing and submits that the financial condition of the company is not good. He has no objection if association will complete the work. He further submits that regarding unsold flat, he has no objection on the submissions of complainant. He is ready to do the work if the complainants cooperate and pay the full amount but as now association want to complete the work.

The Bench notes the submissions of the parties and directs the MD of the respondent company and landowner to submit their submissions made out here on the affidavit within two week with a copy to complainants.

The Parties are at liberty to file any written submissions or documents, if they wish to, within 15 days.

Put up for orders on 07.11.2022.

Sd/-

Nupur Banerjee  
Member