

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No.CC/1002/2020

Raj Kumar SinghComplainant

Vs

M/s Nesh India Infrastructure Pvt. Ltd.Respondent

Project: Tiruanantpuram City

**Present: For Complainant: Mr. Manoj Kumar Singh,
Advocate**

For Respondent :Mr. Raushan Kumar, Advocate

06/09/2022

PROCEEDING

Hearing taken up. Both the parties are present.

The matter is listed after the Interim Order passed on 27-07-2022.

Learned counsel for the complainant submits that the development agreement was made between the parties on 06.03.2012 and the map was approved on 26.07.2016. The complainant is the land owner. They have to hand over the flats after completion on 26.07.2018. The share of the land owner and the promoter is in the ratio of 48% and 52%. The structure is complete but the flats are incomplete. Work upto 75% has been done. No work is going on for the last two years. The complainant wants to demarcate his share.

Learned counsel for the respondent submits that the case was filed in 2020 demanding 48% share. Supplementary agreement was done in 2013. 13 flats have already been handed over to complainant in 2017. The complainant is selling the flats. In the month of June, 2022 we have filed seven sale deeds, showing complainant sold his shares of allocated flat. He will file an affidavit annexing all the sale deeds. The complainant has filed the complaint concealing the material facts.

The Bench enquires the complainant that whether he got 13 flats as per the shares allotted to him, upon which he submits that he

had received 13 flats but his issue is that whether the 13 flats include his shares of 48% or not, he has question.

The Bench notes the submissions of the complainant and directs respondent to clarify while filing an affidavit mentioning whether 13 flats allotted to complainant was according to 48% of his share as per the development agreement or not. The Bench also directs respondent to submit all the documents showing that complainant's share has been handed over and also states the status of the project. The Bench further directs complainant to file on affidavit that that how many flats are handed over to him by respondent and any other documents, he wish to place.

Put up for hearing on 03.11.2022.

Sd/-

Nupur Banerjee
Member