

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Case no. RERA/CC/944/2021

Sudha Kumari

.....Complainant

Vs

M/s Sai Krishna Construction Pvt. Ltd.

.....Respondent

Project: Shanti Apartment

ORDER

21.09.2022

22.9.2022

This matter was last heard on 29.08.2022 after certain clarifications were sought in the detailed interim order passed on 16.08.2022. The facts of the case have been elaborated in the interim order.

During the hearing on 29.8.2022 the complainant has stated that while there are 8 flats in Block B, she reiterated that Block A and Block B are integral part of the same project viz Shanti Apartment. The works are still incomplete and the project is not registered with RERA, Bihar. She has requested that directions be issued to the respondent to complete the works and share the completion certificate and occupancy certificate with her. She has referred to the directions of the Authority in respect of Block A in CC/56/2018.

The learned counsel had reiterated that there are only 8 flats in the project as per the approved map and hence the matter is not maintainable.

Perused the record. The development agreement signed with the respondent company clearly mentions that there would be two blocks in the project Shanti Apartment. that present project has been developed in two blocks i.e. A & B. Admittedly Block - A contains 16 flats and Block - B contains 8 flats and the present complainant has her shares in block - B. Since both the blocks are being constructed on the basis of the same development agreement ,

the Authority is of the opinion they are part of the same real estate project .

It observes that explanation of section 3 states that the real estate project is to be developed in phases, every such phase shall be considered a stand-alone real estate project, and the promoter shall obtain registration under this Act for each phase separately. At the time of registration the promoter had the option to declare the two blocks as different phases but no such application appears to have been filed.

The respondent company has not rebutted the contention of the complainant that the work is still incomplete.

The Authority takes note that the project has not been registered with it. The respondent company is directed to file an application for registration immediately. Suo motu proceedings for violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 may be initiated against them.

In the light of arguments advanced by both the parties and after perusal of documents placed, the Authority directs the respondent company and its partners to provide all amenities as mentioned the development agreement and complete the project within ninety days of issue of this order. If they do not complete the project within this period, a penalty of Rs 5000/- (five thousand) for each day of default would be imposed.

The complainant is at liberty to press her claim for compensation before the Adjudicating Officer.

With these observations and directions, the matter is disposed of.

Sd/-

**Naveen Verma
Chairman**