

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble Chairman, Mr. Naveen Verma, Hon'ble Member, Mr. R.B. Sinha & Hon'ble Member, Mrs. Nupur Banerjee

Complaint Case No. CC/1679/2020; CC/1680/2020; CC/1681/2020; CC/1709/2020; CC/1783/2020; CC/1877/2020; CC/1858/2020; CC/1876/2020; CC/1792/2020; CC/1784/2020; CC/1845/2020; CC/362/2021; CC/78/2021; CC/110/2021; CC/111/2021

Sanjeet Kumar/ Indu Shekhar Singh/ Dhaneshwari Singh/ Sunil Kumar/ Dr. Nidhi Rani/ Rakesh Kumar/ Sangita Kumar/ Suman Kumar Singhania/ Mr. Kaushal Kishore/ Dadan Kumar/ Smita Priydarshi/ Ranjana Singh/ Rajiv Ranjan Sinha/ Rajiv Ranjan Daftaur/ Anupama Singh/ Satyendra Kumar Srivastava/ Raja Ram Prasad/ Sumita Prasad/ Sanjay Kumar Jaiswal/ Arun Kumar Jaiswal/ Manoj Kumar Choudhary/ Sandeep Kumar.....Complainants

Vs

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

Present: For the Complainants: Mr. Uday Bhan Singh, Advocate
Mr. Bipin Bihari, Advocate
In persons
For the Respondent: Mr. Siddhartha Prasad, Adv
Mr. Agreya Pratap, Advocate
Mr. Ravindra Kumar Singh, Adv
Mr. Shiv Kumar, Director

21/06/2021 PROCEEDING THROUGH VIDEO CONFERENCING

Hearing taken up through virtual mode. Mr. Uday Bhan Singh, Mr. Bipin Bihari, appeared on behalf of complainants. Few complainants were present in persons. Mr. Shiv Kumar, Director of the respondent company with his counsels Mr. Siddhartha Prasad, Mr. Ravindra and Mr. Agreya Pratap was also present.

Adv. Uday Bhan Singh, complainant counsel on behalf of CC/570/2019; CC/571/2019; CC/572/2019; CC/624/2019 submitted that possession letters has been handed over by the MD but the rectification is still has to be done. He further submitted that the schedule of the rectification from June 2021 to October 2021 has been submitted by the respondent. As per the last direction of the Bench the respondent was supposed to start the rectification from the month of June but there is no specific date for the month of June and further submitted that development in Akhtiyarpur has not done at all and not even the marking has been done.

Adv Bipin Bihari, counsel on behalf of Dr. Nidhi Rani (CC/1677/2020) submitted that his client has not received the possession letter and a petition filed by the respondent praying for time as due to rainy season the possession has not been handed over to the complainants.

Respondent counsel, Mr. Siddhartha Prasad submitted that physical possession has not been given to any one due to the rainy season. He further submitted that the Managing Director of the respondent company Mr. Shiv Kumar, his Advocates and the concerned staffs are visiting the sites continuously, taken the measurements, plots are available and only demarcation is left. He further prayed for extension of the timelines and 8 weeks time for handing over the possession in the Village Akhtiyarpur, Pakhranda and Dayalpur Daulat as lot of manpower is required, at the same time rectification of the deed is also going on, company is facing financial loss due to Covid'19 and heavy monsoon is continuing.

On a question by the Bench whether the respondent has done the demarcation on the plan because it is necessary to be done on the paper first and only then the final demarcation will be done to which the respondent company assured that the architect is working upon it and a schedule will be submitted for the same at the earliest. However, it was observed that the project was launched 10 years back and the respondent kept on changing the map and further adding things and in that case without proper approval of the plan the respondent cannot run the project. It was further observed that the respondent MD committed to hand over the land within a year after the development which has not been complied as yet.

The respondent counsel Mr. Siddhartha Prasad assured to submit the final schedule without any further extension. He further submitted that the said map is in the place which has already been certified by the Architect but the respondent is already striving for fresh map/plan to be sanctioned by a competent authority i.e. Metropolitan area or the Nagar Parishad Bihta. He further submitted that the measurements are being done on daily basis. He further submitted that so far the rectification of sale deed is concerned the respondent has already submitted it on 12th June 2021 on affidavit with time schedule with case no., name of the complainant and concerned village and so far the development work is concerned petition has been filed for the development of road on 12th June 2021 except for electrification and sewerage which has not been submitted as yet. He further assured to complete the paper work of the map and development work including electrification and sewerage, money involved by 5th July 2021.

Complainant counsel Adv. Uday Bhan Singh submitted that the respondent is trying to delay the matter since 2019 and further submitted that the road is not even ready on the map for village Akhtiyarpur.

Adv Siddhartha Prasad submitted that 4-5 rectifications i.e. Mr. Ratnakar, Mr. Karunakar, Mr. Sangamber, Indu Shekhar Singh and Dhaneshwari Singh will be completed in June to which

Mr. S.K. Singhania (CC/1681/2020) submitted that none of the rectifications has been done in the month of June as yet.

The Bench agreeing that some disruption in the schedule is understandable due to incessant rains, the request 2 months is not justified. It directed the respondent to submit the complete schedule for handing over the possession to the complainants village wise keeping in view the number of days lost due to rains.

Adv. Siddhartha Prasad after consulting with the Mr. Shiv Kumar, MD of the respondent company submitted that he is ready to handover the possession letter by 7th of July to the complainants of Akhtiyarpur, for Pakhranda he prayed for another 15 days and for Dayalpur Daulat another 15 days. He further submitted that as far as registered rectification agreement is concerned , 6 would be done in June, 10 in July and 10 in August and rest in September for which the complainants will be informed at least one week in advance .

Mrs. Sumita Prasad (CC/1877/2020) along with Mr. Raja Ram Prasad (CC/1876/2020) inquired about her possession to which Mr. Shiv Kumar assured that by 7th July possession letter will be handed over and she will be informed 1 week before about the same.

Adv. Uday Bhan Singh submitted that the respondent has not complied with the last orders of the Authority to which the respondent assures to submit the plan by 5th July 21.

The Bench by quoting Section 37 and Section 63 of Real Estate (Regulation and Development) Act, 2016 directed that directions given by the Authority are binding and the respondent must comply with the orders by the Authority in the given time frame failing which he shall be liable to penalty for everyday delay up to 5% of the estimated cost of the real estate project.

Mr. Suman Kumar Singhania (CC/1681/2020) submitted that the respondent has not complied with the last order as the nodal officer has not been appointed for each village as yet to which the respondent counsel Mr. Siddhartha Prasad submitted that nodal officer has been appointed for which an affidavit has also been filed. He further submitted Mr. Sushil Kumar (Mob: 7209475235), nodal officer has been appointed for Village Akhtiyarpur.

Mr. Rakesh Kumar, (CC/1679/2020) submitted that as per the last order of the Authority details of the complaint petition was emailed to the respondent on 3rd June 2021 but since the last date of hearing, the respondent has not contacted. He further submitted that registry was executed in 2012 and the respondent was supposed to handover the land by January 2020 but the respondent has not complied with the direction of the Authority.

Mr. Sunil Kumar (CC/624/2019) submitted that sewer, electrical cable and water line must be done before the construction of road. He further submitted that after going through the map of road, it is observed that the road is 0.5 metre above from the ground due to which

water logging can be caused to which Mr. Shiv Kumar submitted that drainage work is in process.

Mr. Arun Kumar Singh (CC/110/2021) submitted that he is an employee of BSNL and his booking was made in village Akhtiyarpur in 2012. He further submitted that the respondent had shown around 10 plots but the plots are being sold to other customers. He further prayed for providing plot to all the employees of BSNL in the same place. However, Bench directed that possession will be handed over as per the agreement but if there is any case where the possession has been handed over to those whose registry was executed later, let the Authority be informed by filing the same on affidavit.

Husband of Mrs. Anupama Singh (CC/1845/2020) submitted that he is also an employee of BSNL. He further submitted that booking was done in 2012 by taking loan and the possession has not been handed over as yet. He further prayed for interest/compensation to which Bench directed the complainant to take the possession first. The matter of interest and compensation could be raised subsequently before the Learned Adjudicating Officer.

The Full Bench functioning as Authority directs the respondent company under Section 37 of the Act to handover possession of plots of land, execute registered rectification deeds , submit the revised plan before the competent authority and the schedule of plan for undertaking development plans adding only 15 days to the schedule decided on the last date of hearing.

The Authority also directs the respondent to strictly adhere to the schedule and complete all development work within the agreed period ie 30 October 2021

Any delay beyond the grace period of 15 days would attract a penalty of Rs 5000 per day on each of its directions.

The matter is transferred to the Single Bench of. Hon'ble Member, Shri R B Sinha for monitoring of the progress.

Sd/-
R.B. Sinha
(Member)

Sd/-
Naveen Verma
(Chairman)

Sd/-
Nupur Banerjee
(Member)