

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before Full Bench of Mr Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs Nupur Banerjee, Members**

**Case No. CC/885/2020, CC/886/2020, CC/899/2020, CC/900/2020,
CC/1066/2020, CC/1067/2020, CC/1195/2020, CC/1196/2020**

Raj Kumari/Chandradeo Ram/Kalindi Singh/Samarh Priyadarshi/Priyatosh
Kr/Kumar Rohit/Ajit Kr Suma/Madhuri PrasadComplainant

Vs.

M/s Superb Buildtech Pvt. Ltd.....Respondent

Present: For Complainants: In person

Mr Saurabh Vishambhar, Adv

For Respondent: Mr Rakesh Roshan Singh, Adv

17/06/2021 PROCEEDING THROUGH VIDEO CONFERENCING

Hearing taken up through video conferencing mode. Complainants are present along with their learned counsel Mr Saurabh Vishambhar. Mr Rakesh Roshan Singh, learned counsel of the respondent company along with MD of the respondent company is also present.

Learned counsel of the complainants submitted that they have filed petitions under Section 12, 14, 17 and 18 of the RERA Act. The respondent company had advertised to provide specific facilities to the customers. The respondent collected huge money for providing flats to them. Though the building has been constructed but its pillars are weak which can collapse anytime and mishap may happen. The builder is asking Rs 5 lakh additional for garage and other facilities but in the brochure of the company, there was no mention of the liability of Rs 5 lakh of each allottee. . In support of his assertion regarding allotment of garage , he quoted the Double Bench judgment of the Hon'ble Supreme Court reported in AIR, 2010.

The inspection team of RERA which visited and inspected the project had collected photos of the building.

He further submitted that in the last hearing the respondent assured to file reply but they did not mention anything about the issues which we raised. The respondent is trying to divert the issue of garage. There are certain deficiencies in the building such as; lift is of inferior quality, pillar is very weak, sewerage has been covered with fiber, water tank is damaged, water pipe is leaking at many places and electric panels are not covered. He submitted these issues were explained to the RERA inspection team.

Learned counsel of the complainants further submitted that Section 14 of the RERA Act speaks about the sanctioned plan and layout plans, which is an important aspect. He stated that the respondent company have made false claims in their rejoinder.

Mr Kalindi Singh, complainant reiterated the issue of structural defects and other deficiencies pointed out by the learned counsel.

Learned counsel of the respondent company submitted that the basic issue is that there are 52 flats and 68 garages and offered to give additional parking to the customers with whom they had entered into agreements. He submitted that they were ready to rectify the damages as complained. He stated that every flat owner has been allotted his garage and that for other garages, their allotment can be decided by the respondent company in consultation with landowners/allottees. Learned counsel of the respondent company assured that the boundary wall would be repaired.

The Bench observed that registration of flats with the customers does not mean that the building is complete. The Full Bench drew attention to Section 14 (3) of the RERA Act which makes it obligatory on the promoter to rectify the structural defects or deficiencies in any other services or facilities within a period of 5 years from the date of handing over of the project.

The Full Bench observed that the learned counsel for the complainants had submitted that they were seeking relief under sections 12, 14, 17 and 18 of RERA Act. As relief/compensation under the sections 12,14, and 18 is to be adjudicated in the court of the learned Adjudicating Officer the issue of maintainability before the Authority was raised. The occupancy certificate and completion certificate are issued by the municipal authorities and the question of additional garages/ parking slots would need to be examined by them on the basis of the sanctioned plan. The merits of the case can be discussed after the issue of maintainability and specific relief sought from the Authority is settled , but the promoter is bound to fulfil the obligations cast upon him under the RERA Act. The issue of structural defects may be appropriately forwarded to the competent authority responsible for issuance of completion certificate and occupancy certificate, as mentioned in the RERA Act.

The learned counsel for the complainants submitted that action may be taken against the promoter for violation of Section 3 of the Act for non -registration of the project. Registration Wing, RERA is directed to examine this aspect, and issue notice to the promoter if indeed the project is not registered as per the provisions of the RERA Act.

The Bench directed the learned counsel of the respondent company to file written statement before the next date.

Put up on 01/07/2021.

Naveen Verma
Chairman

R B Sinha
Member

Nupur Banerjee
Member

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before Full Bench of Mr Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs Nupur Banerjee, Members**

**Case No. CC/08/2018, CC/419/2019, CC/1023/2020, CC/1707/2020,
CC/236/2021 & CC/341/2021**

Sanjay Kumar/Anil Kumar/Mukesh Kumar/Chandramauli
Devi/Abhishek Arun/Shyama Kumari.....Complainant

Vs.

M/s Rukmani Buildtech Pvt. Ltd.....Respondent
Project: Chhatrapati Shivaji Greens

Present: For Complainant: In person
Mr Prashant Kumar, Advocate
For Respondent: None

17/06/2021 PROCEEDING THROUGH VIDEO CONFERENCING

Hearing taken up. The complainants are present. Mr Prashant Kumar, learned counsel of the complainant Mukesh Kumar is also present. No one appeared on behalf of the respondent company.

Complainant Sanjay Kumar (CC/078/2018) submitted that no work has been initiated by the respondent company and they are demanding more money. Complainant Anil Kumar (CC/419/2019) submitted that they are going to form their Association and are ready to complete the project of their own.

Mr Prashant Kumar, learned counsel of complainant Mukesh Kumar (CC/1023/2020) submitted that the building has not been completed by the respondent company, they want refund of their deposited money.

Complainant Chandramani Devi (CC/1707/20220) was represented by her son who submitted that they purchased the flat in 2013 and we are waiting patiently for the flat to be handed over to us but we apprehend that the builder will not complete this project as he has many other projects in hand and is not taking interest to complete this project. Complainants Abhishek Arun (CC/236/2021) and Shyama Kumari (CC/341/2021) complained that nothing has been done in G Block and therefore they want refund of their deposited money.

The Bench expressed its displeasure over the absence of the directors of the Company,

The Bench observed that if the builder expresses its inability to complete the project and wants to get it done by any other builder, it can be done with the concurrence of 2/3rd of the allottees having given written consent and also with prior permission of the Authority. It was observed that the registration of this project expired on 31/12/2019 and no application for further extension has been submitted by the respondent company. The Bench suggested the complainants to form an Association so that further action under Section 8 of the RERA Act could be initiated.

The Bench directed the Managing Director and other directors to be personally present on the next date of hearing.

Put up on 01/07/2021.

Naveen Verma
Chairman

R B Sinha
Member

Nupur Banerjee
Member

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before Full Bench of Mr Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs Nupur Banerjee, Members**

Case No. SM/354/2019

Authorised Representative of RERA.....Complainant

Vs.

M/s Rukmani Buildtech Pvt. Ltd.....Respondent

Present: For Complainant: Mr Sumit Kr/Mr Jainendra Kr, Adv
For Respondent: None

17/06/2021 PROCEEDING THROUGH VIDEO CONFERENCING

Hearing taken up. No one appeared on behalf of the respondent company.

Put up on 02/07/2021.

**Naveen Verma
Chairman**

**R B Sinha
Member**

**Nupur Banerjee
Member**