

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S.D. Jha, RERA, Bihar,

RERA/CC/590/2022

Rajesh Kumar Choudhary Complainant

Vs.

M/s City Greens Infrastructure Respondent

For the complainant: Mr. Punit Kumar, Advocate

For the Respondent: None

Project: - GREENS MANOR APARTMENT

PROCEEDING

05.06.2023 Hearing taken up. Mr. Punit Kumar, Advocate, appears for the complainant. The respondent is absent.

Learned counsel for the complainant reiterates his submission that the complainant had entered into an agreement with the respondent on 13.3.2018 to purchase Flat no.114 in Block –A on 1st floor, in the project located at Saguna Judges Colony, P.S.Danapur, Patna, with Car parking on consideration amount of Rs.17,00,000/-, out of which he paid Rs.16,15,000/- mainly by way of housing loan. The complainant wants possession of flat with all amenities and he is ready to pay the remaining amount which is to be paid by the Bank.

Learned counsel for the complainant further submits that vide letter dated 29.6.2021 the respondent had informed the complainant that the flat is complete in all respect and would be handed over within three months but till date possession has not been handed over, rather the respondent had sent three legal notices regarding payment of Rs.1,75,950/- as due GST amount, to which the complainant sent a reply mentioning therein that out of total consideration amount of Rs.17,00,000/-, as agreed to purchase the flat in the project, he paid Rs.16,15,000/- and only Rs.85000/- + GST amount is to be paid and thereafter the respondent had sent a letter dated 24.6.2022 cancelling booking of flat due to non-payment. He further submits that he received a written statement dated 6.3.2023 on what sap from the respondent, to which he has sent rejoinder dated 8.5.2023 to the respondent by mail. He has also submitted copy of the said rejoinder to the office of the Authority.

In the last proceeding dated 11.5.2023, the Authority had directed the respondent to send a copy of the written statement dated

6.3.2023 to the office of the Authority within two weeks but the same has still not been received by the office of the Authority.

Learned counsel for the complainant further submits that the complainant has apprehension of getting his flat sold by the respondent as in the recent past the respondent has executed some sale deeds without obtaining Occupation Certificate/Completion Certificate from the authority. Hence, he requests that execution of any sale deed of the said project by the respondent may be stayed, to which the Authority agrees. He also submits that the respondent is not regularly filing the QPR of the project and he requests for obtaining current status report of QPR from the Registration Wing of RERA, to which the Authority also agrees.

The Authority directs the office of the Authority to issue a letter to the I.G. Registration, Bihar, for issuing necessary direction to all DSRs/Sub-Registrars, Patna/Phulwarisharif not to register any flat/apartment of the project **GREENS MANOR APARTMENT** of M/s City Greens Infrastructure till further orders. The Authority further directs the Registration Wing, RERA, to verify the current status of QPR of the said project and submit a report to that effect within fifteen days. Let a copy of this order be sent to the office of the Registration Wing, RERA.

The respondent is directed to submit written statement dated 6.3.2023 as well as counter reply, if any, to the rejoinder of the complainant dated 8.5.2023 within fifteen days to the office of the Authority. He is further directed to appear on the next date of hearing. In case of non-compliance, it would be presumed that the respondent has nothing to say in the matter and an order will be passed accordingly on merit on the basis of material available on the record.

Put up for hearing/order on 21.7.2023.

sd/-
S.D. Jha,
Member