REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/599/2022

Kumar Bhartendu Sharma …… Complainant

Vs.

M/s Sri Anu Anand Construction Pvt. Ltd. …….. Respondent

For the complainant: Mr. Amarnath Kumar, Advocate,

For the Respondent: Mr. Mukul Kumar, Advocate

Project: - SAI ENCLAVE

O R D E R

02.08.2023 Hearing taken up. Mr. Amarnath Kumar, Advocate, appears for the complainant. Mr. Mukul Kumar, Advocte, appears for the respondent without having any authorization.

2. Learned counsel for the complainant reiterates his submission that the complainant booked Flat no.104 in Block E of the project "Sai Enclave" located at Mustafapur, Danapur, Patna, on consideration amount of Rs.35,00,000/- which was paid by the complainant through loans and thereafter a Deed of Absolute Sale was executed on 22.11.2019 but till date possession of the flat has not been handed over to him. He further submits that in the conciliation proceeding dated 31.1.2023 learned counsel for the respondent had assured that possession of the flat would be handed over to the complainant till the next date of hearing (21.3.2023) but thereafter the respondent did not appear. He further submits that in the proceeding dated 6.7.2023 also the respondent's counsel had submitted that the respondent would hand over possession of the flat to the complainant with all amenities before 31st July, 2023, but till date possession has not been

handed over. Lastly, he submits that the complainant wants possession of the flat with all amenities.

3. Learned counsel for the respondent requests for time but the same is refused in view of the last proceeding dated 6.7.2023, wherein the respondent's counsel was directed to submit his submission on affidavit within a week that the respondent would hand over the possession of the flat with all amenities before 31st July, 2023 but the same has not been filed so far. Today the respondent's counsel again prays for time and hence the same is refused.

4. The Bench notes that in the proceeding dated 23.1.2023 before the Conciliation Forum learned counsel for the respondent had submitted that the respondent is ready to hand over possession of the flat to the complainant and he would place material on the next date i.e. 31.1.2023. On 31.1.2023 again learned counsel for the respondent had submitted that the respondent is ready to hand over the possession of flat to the complainant till the next date after removing the short-comings and the case was put for on 21.3.2023. On 21.3.2023 the respondent's counsel remained absent. On 6.7.2023 when this case was listed before the Authority the same submission was made by learned counsel for the respondent that the respondent would hand over possession of the flat with all amenities before 31st July, 2023, but the respondent, as usual, failed in handing over the possession of the flat to the complainant with all amenities by 31st July, 2023 and today the respondent's counsel requests for time which is grossly unreasonable.

5. After having heard learned counsel for the parties and perused the record, the Authority observes that the respondent is only buying time from the very beginning of the case and is also trying to evade handing over possession of the flat to the complainant, whereas, in the registered Absolute Sale-Flat deed dated 28.11.2019 in Clause 2 (e) the respondent had

agreed to hand over the flat on 22.3.2021. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself.

6. In the backdrop of the submissions made on behalf of the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Director Mr. Bimal Kumar to hand over possession of Flat no.104 in Block E of the project with all amenities as per the Deed Of Absolute sale after completing all the legal formalities within a month from the date of the order.

7. The complainant is at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer, RERA.

With the aforesaid observations and directions, this case is disposed of.

sd/-
S.D. Jha,
Member