REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/580/2022

Mrs. Bimla Devi …….. Complainant

Vs.

M/s SLNB Homes Pvt. Ltd. …….. Respondent

For the complainant: Mr. Punit Kumar, Advocate

For the Respondent: Mr. Sumit Kumar, Advocate

Project:– SARVAYONI CITY

PROCEEDING

16.01.2024 Hearing taken up. Mr. Punit Kumar, Advocate, appears for the complainant. Mr. Sumit Kumar, Advocate, appears for the respondent.

This case has come on a petition dated 20.10.2023 requesting for restoration of this case, which stood dismissed for default on 24.8.2023.

Learned counsel for the complainant submits that the complainant, who is a lady and is residing in a village, could not know about the progress of the case. As a result, she did not appear in this case on the date fixed, which resulted in dismissed for default of this case and, therefore, he requests for restoration of this case, which is objected by the respondent's counsel by submitting that in spite of repeated directions the complainant neither supplied the copy of the complaint nor appeared on the dates fixed in this case and, hence, the prayer for restoration may be allowed by imposing heavy penalty under Regulation 28 of the Bihar Real Estate Regulatory Authority (General) Regulation, 2021.

Having heard learned counsel for the parties, the Authority observes that non-appearance by the complainant in the earlier proceedings of this case is procedural lapse and, therefore, her restoration application is allowed.

Learned counsel for the complainant further submits that the complainant booked Flat no.508 C in the project "Sarvayoni City, Danapur, on consideration amount of Rs.15,00,000/- out of which she paid Rs.9,05,674/- to the respondent. The project was to be completed within sixty six months, which includes relaxation period of six month, but till date the respondent has neither completed the project nor has delivered possession of the flat nor is ready to refund the principal amount with interest.

Learned counsel for the respondent requests for supply of copy of the complaint, to which learned counsel for the complainant submits that he would file an amendment petition in this case, a copy of which along with copy of the complaint would be served upon the respondent within two weeks. Upon service of the same, the respondent would file counter reply within two weeks thereafter. In case of non-compliance by either of the parties, an order will be passed on merit on the basis of material available on the record without affording further opportunity.

Send a copy of this order to the Registration Wing, RERA, to ascertain the current status of registration of the project and submit a report within two weeks.

Put up for hearing on 16.2.2024.

Sd/-
S.D. Jha,
Member