REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Mr. Vivek Kumar Singh, Chairman, Mrs. Nupur Banerjee & Mr. S.D.Jha, Members

RERA/CC/401/2022

Sarbjit Prasad Verma ……Complainant

Vs

M/s RPS Builders Pvt. Ltd. ……Respondent

Projects: RSP Tower

For Complainant – Mr. Punit Kumar, Advocate

For Respondent – Mr. Satyendra Sharma, Partner

ORDER

24/04/2024

The case was last heard on 10-04-2024 and the order was reserved. The order is being passed today.

The case of the complainant is that the complainant booked a 2bhk flat admeasuring 750 sq.ft. bearing flat no. 103A in the project RSP tower of the respondent with a covered parking for a consideration of Rs. 15,00,000 and out of which hepaid Rs. 14,50,000/- in several instalments. The complainant has stated that the flat was to be handed over by March, 2015 with grace period, therefore, the complainant visited the construction site of the project in Feb, 2015 and at that time the respondent assured to handover the possession with 1 year but the respondent failed to hand over the possession within that period. The complainant has also stated that the respondent got the project registered and thereafter, told the complainant to transfer the booking into some other project by offering different schemes.

Accordingly, the respondent handed over a cheque of Rs. 2,00,000/- which got dishonored.

The complainant has placed on record a copy of Agreement dated 23-11-2013, copy of money receipts, copy of account statement, copy of cheque bearing no. 319380, copy of letter dated 12-04-2022 with payment detail. The complainant has prayed for the possession of the flat with compensation.

The respondent has filed a reply dated 05-09-2022 stating therein that if the complainant would pay Rs. 93,000/- with interest then the possession of the flat would be handed over and there after filed a petition dated 14-11-2022 stating therein that the complainant has refunded Rs. 93,000/- and assured to hand over the flat to the complainant by 31-12-2022.

During the course of hearing on 10-04-2024, the learned counsel for the complainant submitted that the flat is complete. He requested that the complaint case may be disposed of with a direction to the respondent to execute the Conveyance Deed and he also requested to remove the ban on execution of sale deed which was imposed vide proceeding dated 05.07.2023. He also prayed to give liberty to the complainant to approach the competent forum for compensation

During the course of hearing on10-04-2024, the respondent filed a petition stating there in that the construction of Project RSP Tower was completed within the period fixed by the Municipal Corporation as per the sanctioned MAP and has handed over the possession of the flat no. 130/A to the complainant. The respondent has therefore, prayed to remove the ban on execution of sale deed.

The registration wing of Bihar RERA has filed a report stating therein that registration of the project with RERA is lapsed and a notice dated 26.05.2023 has been issued to the respondent regarding the same.

Perused the record and after considering the arguments advanced by the counsel for the complainant, the Authority observes that the respondent has already handed over the possession of the flat no. 103A to the

complainant. As the grievance of the complainant for delivery of possession has been redressed, no further action is required by the Authority on this issue. Further, the Authority hereby vacates the ban on execution of sale deed asimposed vide proceeding dated 05-07-2023.

The complainant is at liberty to approach the Adjudicating Officer for any relief which is in the nature of compensation.

With these observations and directions, the matter is disposed of.

Sd/-	Sd/-	Sd/-
S.D.Jha	**Nupur Banerjee**	**Vivek Kumar Singh**
Member	**Member**	**Chairman**