

Ranchi

Before Adjudicating Officer

Jharkhand Real Estate Regulatory Authority, Ranchi

Present ----- Ranjeet Kumar Choudhary

Dated 12th day of December, 2022

Complaint Case No. 119/2019

Shamshad Quamar, S/o- Late Irshad Hussain,

R/o- Flat No. C-2, 3rd Floor,

Gulshan Apartment, Central Street, Hindpiri,

Ranchi- 834 001, Jharkhand

--- Complainant

VERSUS

1. Abdul Samad

2. Nikhat Perween

Office Address of both Respondents- M/s Sharp Construction,

New Tiwary Tank Road, P.O. & P.S.- Hindpiri,

Ranchi- 834 001, Jharkhand

--- Respondents

With

Complaint Case No. 120/2019

Gulam Sabir Shahbaz Khan, S/o Md. Khalil Khan,
R/o- Flat No. B-5, 2nd Floor, Gulshan Apartment,
Central Street, Near Equra Masjid, Hindpiri,
Ranchi- 834 001, Jharkhand

--- Complainant

VERSUS

1. Abdul Samad
2. Nikhat Parween

--- Respondents

With

Complaint Case No. 121/2019

Shahnaz Perween, D/o Late Qurban Ali Ansari,
R/o- Flat No. B-3, 2nd Floor, Gulshan Apartment,
Central Street, Hindpiri,
Ranchi- 834 001, Jharkhand

--- Complainant

VERSUS

1. Abdul Samad
2. Nikhat Parween

--- Respondents

With
Complaint Case No. 122/2019

Farida Khatoon, W/o Md. Khalil Khan,
R/o- Flat No. A-4, 2nd Floor, Gulshan Apartment,
Central Street, Hindpiri,
Ranchi- 834 001, Jharkhand
Landmark- Near Equra Masjid

--- Complainant

VERSUS

1. Abdul Samad
2. Nikhat Parween

--- Respondents

With
Complaint Case No. 123/2019

Aleesha Naaz, D/o Md. Aslam,
R/o- Flat No. A-5, 1st Floor, Gulshan Apartment,
Central Street, Hindpiri,
Ranchi- 834 001, Jharkhand

--- Complainant

VERSUS

1. Abdul Samad
2. Nikhat Parween

--- Respondents

With

Complaint Case No. 124/2019

Md. Nasim Akhter, S/o Late Md. Jalaluddin,
R/o- Flat No. A-4, 1st Floor, Gulshan Apartment,
Central Street, Hindpiri,
Ranchi- 834 001, Jharkhand

--- Complainant

VERSUS

1. Abdul Samad
2. Nikhat Parween

--- Respondents

With

Complaint Case No. 125/2019

Abid Hussain Ansari, S/o Late Jamaliddin Ansari,
R/o- Flat No. A-5, 1st Floor, Gulshan Apartment,
Central Street, Hindpiri,

Ranchi- 834 001, Jharkhand

--- Complainant

VERSUS

1. Abdul Samad
2. Nikhat Parween

--- Respondents

Complainants of all cases Represented through

--- Self

Respondent No. 1 & 2 represented through

--- Priya Ranjan
Das, Ld. Advocate

--- Mr. Arvind
Kumar, Ld.
Advocate

JUDGMENT

1. Aforesaid seven Complaint cases were filed by different Complainants as mentioned above against the same Respondents with same reliefs and as such vide the Order dated 28.11.2019, all the cases were clubbed for trial and Complaint Case No. 119/2019 was marked as leading case.

2. All the Complaint cases have been filed by the different Complainants against the Respondents with following reliefs:-

- i. Boundary walls on all sides of the apartment should be constructed.*
- ii. Installation of power generator should be done. He has taken payment from some flat owners for this.*
- iii. Builder should finish basement parking and allot designated parking area to flat owner. We already paid basement parking amount. Some parking area allotted to unauthorized person.*
- iv. Builder should complete floor work (chakka tiles) in space near entrance of the parking area/campus area.*
- v. Security guard room with toilet/bathroom should be constructed.*
- vi. Builder should provide entrance to the apartment and to lift as per original agreement. As, Entrance to the apartment is not according to the original Building Map.*

- vii. Builder should remove unauthorized constructions in the basement/parking area. Three unauthorized shops has been constructed at the basement.*
- viii. Builder should make provision for water harvesting and water sewerage.*
- ix. Builder should complete water proofing of “roof and water tank”. During rainy season, Roof water seeps into flats at 2nd & 3rd floor. The entire roof should be re-worked so that water seepage issue is addressed.*
- x. Builder should remove unauthorized / illegal water connection from main water supply that has been installed forcefully by builder to neighbor building.*
- xi. Builder should complete painting of building from all sides.*

3. According to Complaint Petitions filed by the Complainants it is there case that Builder of Gulshan Apartment who are Respondent No. 1 & 2 have delayed the construction of basic amenities of the flat, common area and parking area. They have not installed generator in the flat. During registration of the flat they have assured that pending

work will be completed within the three months of handing over the flat but they did not do the same. Hence these cases have been filed by the Complainant with aforesaid common reliefs as stated above.

4. On being noticed, Respondents appeared before the Court and contested the case but no written statement was filed on their behalf rather a petition was filed to this effect that pending work will be completed within three months.

5. The only point arising out of this case for determination is whether the Complainants are entitled for reliefs as claimed ?

FINDINGS

6. During long hearing of these cases, this Court took step for settlement of these cases in terms of compromise and succeeded in its effort to some extent. Almost all the grievance of the Complainants were redressed except the issue of parking. Rain water harvesting facility was provided by the Respondents. Generator set was installed. So far as installation of another lift in the apartment is concerned, Junior Engineer of this Authority was deputed to ascertain probability and feasibility of its installation and he reported that civil work in the apartment may damage the building and as such this issue was

dropped with the consent of both the parties. Illegal construction of three shops in the premises were removed. In nutshell, only the issue of parking remain to be settled.

7. On last day of hearing of these cases i.e. on 21.11.2022, Respondents filed a petition stating therein the distribution of the parking space in the building. It will be pertinent to mention that there are 18 flats in the apartment in question while parking space is available for 15 flat owners only. It was decided by the Builder that he will provide parking space to three flat owners inside boundary wall of the campus but outside the sanctioned parking area or he will return back the money of parking space to three flat owners who could not be adjusted inside sanctioned parking area. During course of argument Complainant Naseem Akhtar and Complainant Farida Khatoon argued that they have purchased the flat much earlier and they should be adjusted inside sanctioned parking area. On behalf of the Respondents it was argued that Complainant Naseem Akhtar and Complainant Farida Khatoon have purchased two flats in the apartment and one parking have been allotted to them inside sanctioned parking area. Some of the Complainants submitted that Respondents may be insisted upon to allot parking on the basis of

lottery but some of the Complainants and Respondents objected. Ld. Counsel for the Respondents has submitted that his clients have allotted parking space to some of the flat owners much earlier who are parking their vehicles in the allotted area and after lapse of several years when their parking space is changed, obviously they will object and it may disturb peace and tranquility in the society.

8. Considering the submissions of all concern, I come to this conclusion that proposal of the Respondents regarding distribution of parking area is just and proper. I find that Complainant Naseem Akhtar (Flat No. A-4) and Complainant Farida Khatoon (Flat No. B-4) have got one parking space inside allotted parking area and on the basis of size of the flat they have been given option to take another parking outside parking area. One Shamim Anwar (Flat No. C-4) has also been given option to take parking space outside parking area or refund of his money. Another 15 flat owners including all the Complainants have been allotted atleast one parking area inside sanctioned parking space.

9. Complainant Naseem Akhtar and Farida Khatoon are at liberty to take second parking space outside sanctioned parking area but inside the boundary wall or refund of the money given by them

regarding parking space. In the prevailing situation at the apartment in question, all the eighteen flat owners cannot be adjusted inside sanctioned parking area.

10. In the result all the Complaint case filed by the Complainants are hereby disposed of with the observation made by this Court in just preceding paragraph. Now Complainant Naseem Akhtar and Farida Khatoon have to decide whether they want one parking outside sanctioned parking area or refund of the money. If these Complainants agree to take one parking space outside sanctioned parking area instead of refund of money, Respondents will construct two good parking space covered with asbestos or corrugated sheet of appropriate size in which vehicle can be parked easily within two months from the date of this Order.

Dictated & Corrected
by me

Ranjeet Kumar Choudhary
Adjudicating Officer
JHARERA

Adjudicating Officer
JHARERA