

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. R.B. Sinha, Member

Case No. CC/115/2018; CC/349/2019; CC/384/2019

Dr Shivani Singh/ Sanjeev Kumar & Manish Kumar/ Alok Kumar
Singh.....Complainants

Vs

M/s Ramsuyash Projects & Marketing Pvt. Ltd.....Respondent

Present: For Complainants: Mr. U.C. Sharma, Father of Shivani Singh
Mr. Gyan Abhinav, Advocate (Complainant no. 3)
In person (Manish Kumar)
For Respondent: Mr. Prabhakar Nath Rai, Advocate (ICICI Bank)
Mrs. Parul Prasad, Advocate (for respondent 3 and 4)
Mr. Rahul Srivastava, Advocate
(for respondent 3 and 4)
Mr. Sharad Shekhar, Advocate (Landowner)

19/03/2021

INTERIM ORDER THROUGH VIDEO CONFERENCING

Hearing taken up through video conferencing. Mr. U.C. Sharma, on behalf of complainant no. 1; Adv. Gyan Abhinav, on behalf of complainant no. 3 and Mr. Manish Kumar in person are present. Adv. Prabhakar Nath Rai, on behalf of ICICI Bank; Adv. Rahul Srivastava & Adv. Parul Prasad, on behalf of the respondent no. 3 and 4; Adv. Sharad Shekhar, on behalf of the landowner are also present.

The Bench observed that the petition submitted on behalf of the complainant Ms Shivani Singh raises serious concerns. She has reported that the construction of the building was going on without approval of RERA or competent Municipal Authority as the plan is of 2008 vintage and according to the law/Building Bye-laws, the validity of the plan expired in 2013 itself. Meanwhile the Inspection Report of the RERA Legal Team confirms that several flats are still incomplete with missing doors/windows, no flooring, without plaster work etc.

Mr. Gyan Abhinav submits that he will submit the final written arguments regarding all the measures related to the present case. He further prays to stop registration of the property. He further submits that according to his client that the respondent is trying to construct other medical shop in the place of ICICI Bank to which Bench directs the counsel to file petition on affidavit regarding the same.

Manish Kumar submits that forming a committee was an effective idea but till date there is no meeting held regarding the same. He further prays to direct the allottees to form an association.

Mr. Sharad Shekhar agrees upon forming a society and further work and funding must be made by the members of the society.

The Bench observes that more than one agreement has been signed for the same flat, final deed has been executed with someone else while agreement for sale was executed with another person with no information regarding the cancellation of the previous agreement. The Bench directs that all allottees/ claimants to come together and form a society/association and then plan accordingly. They may also see whether the number of flats can be increased in the project due to availability of FAR and other allottees with agreements for sale etc can also accommodated in the project. As the building plan was approved in 2008, its validity has expired. Therefore, the building plan will have to be got approved by the PMC and the project registered with RERA before commencement of work to complete the project.

The Bench held in unequivocal terms that work done by a few allottees claiming themselves to owners of flats in the project in last 2-3 months is illegal and without any authorization. They are liable to be prosecuted under the law. The Bench directed all concerned not to interfere with the construction site without requisite approval of the Building plan and registration of the Project with the RERA.

The Bench once again directs the allottees to form a society and get it registered under the Societies Registration Act, 1860.

Mr. Rahul Srivastava, counsel for respondent no. 3 and 4, submits that he will file his Vakalatnama today. The Bench directs the counsel not to do any construction until further orders to which the learned counsel assured upon the same. The Bench further directs to arrange a meeting of all allottees/investors where Counsel of RERA will also be present.

The Bench directs ICICI Bank to deposit arrear rent amount in favor of Real Estate Regulatory Authority, Bihar to which Mrs. Parul Prasad prays that the deposited money may be kept in Escrow Account. Since ICICI Bank has vacated, counsel for ICICI Bank prays to strike off their name from the present case.

The Bench further directs to stop any further registration of agreements or registration of conveyance deeds of any flat or apartment in the Project “**Meera Apartment**” situated on an area of 5220 sq. ft., approximately 4 Khathas, Branch Road of Mohalla – Patliputra Colony, Mauza Mainpura, Parangna- Azimbad, Survey Thana- Phulwari, and Survey Plot No. 1523, Khata no. 617, Tauzi No. 5505, P.S. Patliputra Town with immediate effect.

In view of the aforesaid facts and keeping in view the approach and conduct of the parties and also due continued non appearance of the respondent Promoter and also in view of the fact that the Promoter has executed more than one agreement for the same flat, the Authority deems it proper and necessary to issue an interim order under Section- 36 read with Section- 34 (f) and Section- 37 of the Real Estate (Regulation & Development) Act, 2016 with regard to any construction by any of the parties. All parties are hereby restrained from making any construction work in the aforesaid project till final adjudication of the matter by the Bench.

IG, Registration is requested to direct all DSRs/Sub Registrars of Patna, Danapur, Phulwarisharif, Bihta etc not to register any flat/apartment in Meera Apartment, located at Patliputra Colony, Mauza Mainpura, Parangna- Azimbad, Survey Thana- Phulwari, (Survey Plot No. 1523, Khata no. 617, Tauzi No. 5505,) P.S. Patliputra Town with immediate effect.

S.S.P Patna is requested to send a copy of this order to the SHO Patliputra Police Station for immediate compliance and Patna Municipal Corporation is directed to visit the site and stop any construction work forthwith.

Let the copy of this order be communicated to (1) S.S.P Patna; (2) SHO Patliputra Police Station; (3) The Commissioner, Patna Municipal Corporation.

IT Consultant has been directed to upload this order on Authority's website and also send the copy of order to Respondent Company and Concerned Authorities.

Put up on 28/04/2021 for hearing.

**R.B. Sinha
Member**