

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/179/2022

M/s A.V.S. Builders & Developers Pvt. Ltd..... Complainant

Vs.

M/s Ranvijay Singh & 7 others Respondent

For the complainant: Mr. Sumit Kumar, Advocate

For the Respondents: None

Project: VINAYAK CITY

INTERIM ORDER

16.03.2023 Hearing taken up. Mr. Sumit Kumar, Advocate, appears for the complainant. The respondents are absent in spite of the notice issued on 1.3.2023, wherein, it was specifically mentioned that in case of non-compliance, order will be passed exparte on the basis of the material available on the record.

Learned counsel for the complainant, inter alia, submits that the respondents are land owners, who had entered into a Development Agreement on 13.2.2016 with the complainant to develop multistoried buildings over their land, but, now, they are not handing over the possession of the land in spite of the fact that the complainant has got the project registered with the RERA. He further submits that in terms of Regulation 6(3) of the Bihar Real Estate Regulatory Authority (General Regulations), 2021, the land owners would be treated as allottees. Hence, in view of the provisions of 32 (a), 34(f), 36 & 38(3)(a) of the RERA Act, the Authority may issue direction to the police to protect the interest of the promoter by rendering assistance for peaceful handing over the possession of the land to the complainant for construction of the apartments.

Heard learned counsel for the complainant – promoter and perused the record. Prima facie, it appears that a registered Development Agreement was arrived at on 13.2.2016 between the complainant and the respondents to develop the project over the land of the respondents and thereafter the respondent – promoter got the project registered with the RERA, but, now, the respondents are creating hindrance in handing over the peaceful possession of the land. It further appears that in spite of notice issued during conciliation proceeding, the respondents also did not appear before the Conciliation Forum in the conciliation proceedings held on 13.4.2022, 25.4.2022 & 17.5.2022 respectively, which resulted in failure of the conciliation proceeding.

Keeping in view the aforesaid facts, an interim order is being passed with a direction to the office of the Authority to send a letter to the Superintendent of Police, Gaya, requesting him to ensure that a peaceful possession over the land, as mentioned in the Deed no.3037, Book No.1, Serial no.3146 measuring a area of 91217, is handed over to the complainant (M/s A.V. S. Builders & Developers Pvt. Ltd.).

Issue summons to the respondents namely Ranvijay Singh, Ajay Singh, Raj Kumar Singh, Madan Singh, Raj Nandan Singh, Ranjan Kumar Singh, Amand Kumar and Rahul Kumar, all residents of Rasalpur, P.S. Chandauti, (Chakand) P.O. Rasalpur, District –Gaya, to be served by the concerned SHO of the Police Station through Superintendent of Police, Gaya, to appear on the next date of hearing .

Put up for hearing on 17.5.2023.

Sd/-
S.D.Jha
Member