

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10,
Patna -800023

Before the Double Bench of Mr. Naveen Verma, Chairman
& Mrs. Nupur Banerjee, Members

Complaint Case No.: CC/1275/2021

Jokhu Paswan.....Complainant

Vs.

M/s Sunita Housing Pvt. Ltd.....Respondent

Project: Sunit Ambrosia

ORDER

01-02-2022 The matter was last heard before the Double Bench on
18.01.2022.

The case of the complainant is that promoter M/S Sunita Housing Pvt. Ltd. has constructed its project “Sunit Ambrosia” in Mauza –Mainpura Shankar, Thana No.24, Tauzi No.5234, Khata No.151, Plot No.465, Arazi-41 decimal, which is his ancestral property in the name mentioned as Ram Khelawan Dushadh, S/o Bholu Dushadh, Kom Dushadh Sakin Dehe, Tola- Akhaluchak in cadastral Khatiyani and genealogical table.

The Bench had heard the matter earlier and observed that the complaint is not under Section 31 of the Act but basically seeks to take action for revocation of the registration with RERA. Hence, the present case had been earlier transferred to Secretary, RERA for examination of the land documents submitted by the promoter while seeking registration . Secretary RERA after hearing the

complainant observed that the declaration of promoter made in Form-B in respect to title was valid and that complainant has got no locus- standi to file the present case.

The learned counsel for respondent Mr. Jai Ram Singh had stated in his reply on 26-07-2021 that the case is not maintainable. The respondent through its reply had brought on record NOC form, issued by fire department, approved map of the project by Danapur Municipality, photo copies of rent receipts of the land concerned, development agreement executed between the land owners and the promoter and also photocopy of order of a mutation case as well as partition suit no.32/1976 which was filed in the court of Sub-Judge-2, Patna and was compromised between Krishto Prasad @ Krishto Prasad Sharma self and guardian of Praveen Chandra Sharma, Naveen Chandra Sharma and Sunil Chandra Sharma. He has also submitted photocopy or order of Miscellaneous Case No.18/2005-06 which was on the application of one Jitu Chaudhary S/o Late Bechan Chaudhary and after proper verification and perusal of the records and documents of the Jamabandi holders, it was finally disposed of on 03-07-2021. On the perusal of this order, it was found that there is no mention of the names of persons as claimed by the complainant basis of cadastral Khatiyani. It has also been submitted by the respondent that complainant has not filed any suit or case before the competent court.

During the last hearing on 18-01-2022, the learned counsel for the respondent had submitted that the complainant has not been appearing in the instant case. He referred to the report of the

Registration Wing of the Authority in Secretary Case No. 1/2021 stating that the complainant has no locus standi and that the matter be sent to the double bench for further disposal.

No one has appeared on the behalf of the complainant during the last date of hearing.

On the basis of the submissions and taking into consideration the documents filed and the observation made by the bench of Secretary in SEC/01/2021 and also taking the note that complainant has not appeared before the bench of Secretary and also in the hearing, the Bench observes that there is no reason to question the documents and affidavit submitted by the promoter along with his application for registration. There is no need to take any further action on the complaint.

With these observations, the matter is disposed of.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman