

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Mr. Naveen Verma, Chairman &
Mrs. Nupur Banerjee, Member**

Case No. RERA/PRO/REG.1263/2020

Authorized Representative of RERA

v.

Wishluv Buildcon Pvt. Ltd.

Project – Wishluv City

HEARING THROUGH VIDEO CONFERENCING

ORDER

10-03-2022

14.03.2022

Hearing taken up under section 5 (1) (b) of the Real Estate (Regulation and Development) Act, 2016, for rejection of the application for registration of the project ‘Wishluv City’.

The Real Estate Regulatory Authority, Bihar issued a notice to Wishluv Buildcon Pvt. Ltd, through its Director, Mr. Luv Kush Sharma, on 04.03.2022 as to why the application for registration of the Project Wishluv City’, filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 04.08.2020, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The ground for rejection was that the applicant failed to furnish the map approved by the competent Authority.

Mr. Manoranjan Kumar appears on behalf of the respondent company and submits that the area in which the project is proposed, falls under non-planning area. Therefore, the PMAA is not the competent Authority to approve the map. The map submitted with the application was approved by Gram Panchayat, Chiraura, Naubatpur, Patna. He pleads for registration of the project as the company has made

substantial investment. He further prays that a direction may be given to the Sub- Registrar to permit registration of plots.

On perusal of relevant records, it is brought before the Authority that village Chiraura under Naubatpur block is within the jurisdiction of Patna Metropolitan Area Authority (PMAA).

The Bench takes note of the fact that Mukhiya of Gram Panchayat does not have the power of approval of building plan in their respective panchayat areas and that after the area is notified within the planning area, the competent authority to approve maps/ plans is the PMAA.

The Bench observes that an application filed under section 4 of the Act must fulfil the requirements of sub-section 2 of Section 4 of the Act as well as Rule 3 and 4 of the Bihar Real Estate (Regulation and Development) Rules, 2017. Section 4 (2) (d) of the Act requires that an application for registration of a real estate project must contained the map approved by competent authority.

Hence, the application for registration of real estate project ‘Wishluv City’ stands rejected as the respondent failed to submit the requisite documents with the Authority as stipulated by Section 4 of the Real Estate (Regulation and Development) Act, 2016 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules, 2017, with the liberty that promoter may apply again for the registration of same project in future along with requisite documents and no fees would be charged from them.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)