

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Bench of Mrs. Nupur Banerjee, Member**

**Case Nos. RERA/CC/1618/2020**

**Nagendra Rai .....Complainant**

**Vs**

**M/s Aarini Developers Pvt. Ltd. ....Respondent**

**Project: Aarini Lotus**

**For Complainant: Mrs. Kainat Akhtar, Adv.**

**For Respondent : None**

**ORDER**

**05.08.2022**

The matter was last heard on 20.06.2022 and order was kept reserved but, due to pre-occupation, the order in the said case was not pronounced.

The aforesaid case after being remand by the Hon'ble Appellate Tribunal was taken up for hearings on many dates though in the said case, detail order has already been passed stating all the facts and circumstances of the case but, order was set aside only on the ground being corum non-judis.

On the last date of hearing i.e. on 20.06.2022, the following observation was made:-

“Learned counsel for the complainant submits that the application for revalidation of plan sanction was made on 20.09.2018. The registration certificate was allowed by the RERA and enquiry was conducted. He submits that the booking is being done on the illegal construction without a valid certificate. The RERA certificate itself says that the registration shall

be valid for a period of three years seven months commencing from 26.08.2020 and ending with 03.10.2024 subject to extension of validity of map from the competent authority, the submission is that it is provided in Section 2(d) of the Act. The above registration is valid for a period of three years seven months. So, for two years if the map has been sanctioned and allowed for two years, how the certificate is being issued in three years and seven months. The period has also already expired in the year 2021 and after expiration of this certificate, the illegal construction is being still carried on. So, order be passed for cancellation of the certificate and illegal construction should be immediately stopped by the direction of the SSP and the Authority but the illegal construction is still going on. RERA has given the registration certificate for a new project. The respondent has misled this Hon'ble Bench that the project is new one but they have themselves accepted this position. The Executive Officer of Danapur and the Director himself has accepted that it is an old project of 2012. So, how for seven years an extension was given. The extension was granted by two years in July, 2019 which has also been accepted when the actual original approval of the map was given, which was given in the year 2012 and according to that as well the maximum time should be even upto five years from the date of approval and the date of approval is 2011-12. The application of revalidation should have been given within the time frame and now after expiration it was given. Therefore, prima facie case is made out and illegal construction is going on. The size of the road and set back areas everything is in contravention of the Rules. Neither any vehicle from the Fire Department can go and also the people of the area have given so many applications that the illegal construction should be

stopped but it is not being done. He submits that the complainant is a resident of the society. He is not linked with the project directly.”

The present case filed on behalf of the complainant is not maintainable under RERA Act as the Complainant is neither a Promoter nor an allottee or an agent and hence, cannot file a complaint as a third party by quoting Section 31 of the RERA Act. The complainant is nowhere linked to the project and thus, he cannot file a case against the respondent company before RERA against the said project. On the previous date of hearing, the Promoter claimed that if such complaints are entertained by the RERA, it will open a flood-gate of cases, leading to rampant extortion and blackmailing of the honest and hardworking promoters.

Thus, from the aforesaid facts and discussion made herein above, it is clear that the complainant is neither a promoter nor an allottee or an agent and hence, the present case filed on behalf of the complainant is not maintainable before this Authority.

The complainant is at liberty to approach competent authority for redressal of his grievances.

With these directions and observations, the matter is disposed of.

Sd/-  
**Nupur Banerjee**  
(Member)