

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh & Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar.

RERA/Pro/Reg-270/2021

Authorised Representative of RERA

...Complainant

Versus

Eastern Estate Construction and Developers Pvt. Ltd.

...Respondent

Project: Techno City

For the Complainant: Adv. Ankit Kumar, L.R.

For the Respondent: Adv. Sumit Kumar

ORDER

24.07.2024

Hearing on the Rejection of the Application for Extension of Registration of the Project "Techno City"

The Real Estate Regulatory Authority (RERA), Bihar issued a show-cause notice to Eastern Estate Construction and Developers Pvt. Ltd. and its CMD, Shri Sanjeev Kumar, on 08.07.2024, asking why the application for extension of registration of the Project Techno City (Application No: BRERAP00080-2/647/R-589/2019), filed by the company with RERA Bihar on 01.12.2022, should not be rejected under Section 6 of the Real Estate (Regulation & Development) Act, 2016.

The AR of RERA reports that this matter was previously heard before the Single Bench of the Hon'ble Member, RERA Bihar on 22.07.2024. At the request of the respondent's counsel, the matter was transferred to the Hon'ble Full Bench of RERA Bihar and listed for today. The AR further states that the Hon'ble Authority has observed prima facie reasons for rejecting the application based on the response dated 24.02.2023. In this response, the respondent stated that the land where the project is located falls under a conversion zone (RED Zone), which prevents the sanction or revalidation of the project map.

The AR further stated that the Authority observed that advance payments have been collected from some allottees during the project registration period. Therefore, the promoter may be directed to refund

the principal amount to all allottees who have booked apartments in the project.

The AR further prays that the application for extension of registration may be rejected.

The respondent's counsel argues that the original registration was granted by RERA Bihar despite the land being in the RED Zone. He further states that a major portion of the project has been completed using funds from allottees, and the respondent is currently unable to refund the money. He also submitted that some allottees do not wish to get refund of the money as apartments are nearing completion and no any complaint case has been filed before the Authority for the present project.

The AR of RERA counters this submission, stating that at the time of registration, the promoter did not mention that the project fell within the RED Zone. The map submitted was approved by the Mukhiya, and at that time, the office accepted maps passed by the Mukhiya. Additionally, in the reply dated 24.07.2024, the respondent included Annexure-1 A, an order passed by the PMAA dated 17.07.2023, which rejected the promoter's application due to the non-submission of three required documents.

The Authority, after considering the facts and the submissions of the parties, observed that since the project area falls within the RED Zone, the promoter is unable to submit a sanctioned map of the project by the competent authority and failed to file the documents required by Section 6 of the Real Estate (Regulation and Development) Act, 2016, and Rule 6(4) of the Bihar Real Estate (Regulation and Development) Rules, 2017. Therefore, the Authority rejects the application for extension of the registration of the Techno City project.

The allottees/buyers of the Techno City project have the liberty to file their complaint cases under the appropriate section if they seek a refund of the booking amount with interest or compensation.

With the above observations and direction, this case is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman