

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No. CC/615/2021; CC/616/2021; CC/618/2021; CC/623/2021; CC/624/2021;  
CC/626/2021**

**Rajesh Kumar Sinha/ Murli Manohar Prasad/ Asha Devi/ Kapil Muni Nirala/ Sanjit  
Kumar Sinha/ Shanti Devi.....Complainants**

**Vs**

**M/s Nesh India Infrastructure Pvt. Ltd.....Respondent**

**Project: Tiruvanantpuram City**

**Present: For Complainants: In persons  
For Respondent: Adv. Roshan Kumar**

**23/02/2022**

**O R D E R**

Hearing taken up. Complainants are present in person. Adv. Roshan Kumar is appearing on behalf of the respondent.

Murli Manohar Prasad appearing on behalf of all the complainants submits that they are the land owners and the development agreement has been signed between the parties in 2011 for constructing/developing a modern township. He further submits that on the last date of hearing held on 27/10/2021, the respondent company had stated that these cases are not maintainable. It has been also alleged that the respondent company violated the order of the Hon'ble Patna High Court and started construction over the land in question. It has further been alleged that the agreement was for seven stories residential complex with hundred percent parking space but from the approved map shows approval for eleven stories building which is alteration of the original development agreement.

The complainant submits that the land in question belonged to Vidyut Nagar Grih Nirman Samiti (A Housing Cooperative Society) and as per the order passed by the Hon'ble High Court, no multistoried/commercial building can be constructed on the cooperative society land. He further informs the Bench that a letter No. 465 dated: 13/08/2016 was sent to the Secretary VNHCS Ltd., by Assistant Registrar Co-operative Society, Danapur Patna, with direction to stop the construction work by the respondent company. Thereafter, the Housing Society including Board of Directors and members held a meeting on 25.09.2016 and a resolution was passed for cancellation of the development agreement and supplementary agreements and copy of the same was sent to the respondent company. Thereafter, a petition was filed before the Authority for revocation of the registration and for compensation. He further submits that the construction of the building is still in progress and the flats have not been sold to anyone.

Learned counsel of the respondent company submits that the aforesaid project comes under the purview of PMAA and the respondent has already applied before the competent authority and the receipt along with form B have also been submitted before RERA. He further submits that the respondent has filed application for extension of RERA registration which is pending for consideration by the Authority.

The Bench informed the parties that an interim order was passed on 21/02/2022 in CC/626/2021. It is observed that the complainants have sought relief for revocation of the registration as well as compensation.

It was clarified by the complainants that the only relief being sought by them is revocation of the registration under section 7 of the Act. They were directed to submit this in writing.

After hearing both the parties, the Bench observes that the allegation of the complainant that the map is not approved by the competent authority, and they are constructing additional floors beyond the sanctioned plan may be referred to the PMAA. The complainants may approach the competent authority i.e. PMAA for this purpose.

The relief sought to stop construction work has to be pressed before the competent authority i.e. PMAA.

The Bench directs that the allegations of the complainant may be examined separately on the file on which the application for registration was considered.

The Authority would examine the submissions before taking a view on the prayer for revocation of the registration under Section 7 of the Real Estate (Regulation & Development) Act, 2016.

The prayer for revocation of registration under Section 7 of the Real Estate (Regulation & Development) Act, 2016, registration and related matter cannot be a subject matter of the complaint cases.

Thus, in view of the aforementioned facts, the Bench dispose of the aforesaid complaint cases with the observation that the submissions filed by the complainants regarding revocation of registration would be considered by the Authority and if it is satisfied, a notice for the same will be sent to the respondent accordingly. The complainants are at liberty to file written submissions regarding their request for revocation of registration.

The Bench further directs that copy of the order may be sent to the PMAA.

With these observations these complaint cases are disposed of.

**Sd/-**

**Nupur Banerjee**  
**Member**

**Sd/-**

**Naveen Verma**  
**Chairman**