

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/125/2022**

**Shambhu Kumar &ors**

**...Complainant**

**Vs.**

**M/s Aradhna Homes Pvt. Ltd.**

**...Respondent**

**Project: Aradhna Enclave**

**06/04/2023**

**ORDER**

The present complaint has been filed by the complainants as land owner for the revocation of the project Aradhana enclave under section 7 read with Sec 31 of the Bihar RERA Act 2017.

The complainants have alleged in their complaint petition that project is fit to be revoked in the above section on the ground that respondent company had forged the signature of the complainant and got the registration of the project from the Authority. Moreover, the complainants have also alleged that respondent has not obtained the consent of the complainants in the light of rule 3(1)(f) of the Bihar RERA Rules 2017. Further, the complainants have filed final argument reiterating his submission for the forged signature over the map and also states that the validity of the Map has expired. Further, the complainants also submitted regarding the criminal complaint filed before the C.J.M., first class Patna vide complaint case no. 6985/2022 for cheating and forgery.

Perused the record of the case. The respondent has filed counter reply denying the allegation of the complainant and further stated that the complainants and respondent mutually executed the development agreement vide Deed No. 10427 dated 05.09.2016 for development of a project on the land admeasuring 6 Kathas (18.75 Decimal) vide Khata No. 415, Plot No. 2395, Thana No. 20 Tauzi No.5559, Mauza –Dhanaut, Thana- Rupaspur, District – Thana, Block-Danapur, Sub Division – Patna Sadar, KhataNos- 415 Khesra Nos.-2395. Further the respondents referred clause8 of the development agreement and submitted that the

building plan as per the development agreement empowers the respondent to get it approved for the competent. Further the respondent substantiate submission by putting reliance on clause 9 ,10 and 11 of the said development agreement. The respondent also stated that has filed criminal revision in respect complain case filed before the C.J.M.

Heard learned counsel for both the parties. Perused the report of the Registration Wing. After considering the material available on the record and submissions of the parties, the Authority observes that Development Agreement dated 05-09-2016 and their clauses as in the submissions placed by the respondent, empowers the promoter to perform the necessary actions as required for getting the map approved from the competent Authority. So, far the issue of forged signature over the sanctioned map is concerned, the Authority observes that this issue should be raised by the complainants before the competent Authority who had sanctioned the Map. Hence, the complainant should approach therein the competent Authority.

In regard to the issue related to Rule 3 (1) (f) of the Bihar RERA Rules 2017, is concerned, the Authority observes that the Development Agreement dated 05-09-2016, placed at the time of registration of the project and as executed between the complainants and respondent very much satisfies that complainants have given their sole consent while entering into the development agreement to do the development at their respective lands and construct the building and in agreement there is provision for compensation too in case of delay in development over the land.

In regard to expiry of validity period of sanctioned map is concerned, the Authority observes that considering the notification issued by U.D.H.D. the map is valid and the contention of the complainant not seems to be tenable and the Authority finds no ground to entertain the complainant revocation petition.

With the above observations, this matter is disposed of.

Sd/-

**Nupur Banerjee**  
**Member**