

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.1159/2019

Authorized Representative of RERA

v.

Kirti Sagar Construction Pvt. Ltd.

Project – KIRTI RESIDENCY

HEARING THROUGH VIDEO CONFERENCING

ORDER

06-01-2022

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 'KIRTI RESIDENCY'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Kirti Sagar Construction Pvt. Ltd. through its Managing Director, Mr. Sikandar Kumar, on 15.12.2021 as to why the application for registration of the Project KIRTI RESIDENCY, filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 22.12.2019, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The ground for rejection were that the applicant failed to furnish duly filled Form-B mentioning the name of the company and project, authenticated copy of the PAN & Aadhar card of the Director of the company, Income Tax return of last three years of the Directors of the company, Notes F, G and H of Balance Sheet of 2017-18 & 2018-19, and CA certificate with respect to the fact that whether any advances has been taken from customers for project KIRTI RESIDENCY.

No one appeared on behalf of the respondent company. However, Authorised Representative of RERA placed before the Bench that Notice of Hearing has already been sent to the concerned promoter through registered post on 15.12.2021, as well as on the email id of the promoter on 17.12.2021.

The Authority took note of the fact that promoter has made an application for registration of the Project KIRTI RESIDENCY, before the Real Estate Regulatory Authority (RERA), Bihar, on 22.12.2019. Since, the promoter did not submit the requisite documents as stipulated under the Section 4 of the Real Estate (Regulation and Development) Act 2016 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules 2017, therefore, notice was served to him on 11.01.2021, to submit bank account statement of 2018-19, notes of the balance sheet ending 2018-19 and land possession certificate. The promoter failed to fully satisfy the query as raised on 11.01.2021, therefore, another notice was served to him on 08.09.2021, to submit duly filled Form-B mentioning the name of the company and project, authenticated copy of the PAN & Aadhar card of the Director of the company, Income Tax return of last three years of the Directors of the company, Notes F, G and H of Balance Sheet of 2017-18 & 2018-19, and CA certificate with respect to the fact that whether any advances has been taken from customers for project KIRTI RESIDENCY or not. As no reply was received from the promoter, another Notice was served to him on 15.12.2021 for appearing before the Authority on 06.01.2022, but he is not present in the hearing.

The Bench took note of the fact that the promoter has not submitted the requisite documents, despite repeated reminders and failed to appear before the Authority on the assigned date. The application for registration of KIRTI RESIDENCY project, therefore, stands rejected as the promoter has failed to submit the requisite documents with the Authority as stipulated under 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 if the application is made within three months.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)