

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos.RERA/CC/339/2021.

Milind Kumar Sinha..... Complainant
Vs.
M/s Shambhai Buildcon Pvt. Ltd..... Respondent

Project: Sneh Villa Apartment.

Present: For complainant: Mr. Ram Hriday Prasad, Advocate
For Respondent: Mr.Syed Shahid Imam, Advocate

HEARING THROUGH VIDEO CONFERENCING

ORDER

21.10.2021: This case was last heard on 14.9.2021. The learned counsel for both parties are present.

The basic issue raised on behalf of the respondent is that the case is not maintainable as the number of apartments do not exceed 8. In pursuance of the direction of the Bench on the last date of hearing, an affidavit has been filed by Mr. Yashwant Kumar Singh, Director of the respondent company that as per the approved map/ plan of the project, the total number of flats are 8.

During hearing learned counsel for the respondent stated that as per Section 3 (2) (a) of the Act, the registration of the project was not to be required with the number of apartments proposed to be developed does not exceed 8.

The learned Counsel for the respondent company submitted that the prayers are mostly of a Civil nature and in any case are not covered under the Real Estate (Regulation and Development) Act, 2016.

The complainant has not filed any affidavit that the number of apartments exceeds 8 as per directions on the last date . During hearing the learned Counsel for the complainant referred to the proviso of Section 3 (2) (a) of the Act where the State Government may reduce the threshold below 8 apartments.

It was pointed out by the learned Counsel for the respondent that the State Government of Bihar has not reduced the threshold and therefore, since the project has only 8 flats, the matter is not maintainable.

It is clear from the records that the number of apartments in the project are actually 8 therefore, this project does not get covered under the Real Estate (Regulation and Development) Act, 2016.

The case is dismissed as non-maintainable. The complainant is at liberty to approach the competent court of Civil Jurisdiction for seeking relief for any dispute on the issue arising from the development agreement.

With these directions this case is disposed of.

Sd/-
(Naveen Verma)
Chairman