

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/70/2021

Ranchhor Prasad Choudhary.....Complainant

Vs

M/s SohoInfrastructure Pvt Ltd.....Respondent

Project: Badri Narayan Enclave

**Present : For Complainant : Mr Mayank Rukhaiyar, Advocate
For Respondent: Mr Vijay Ahuja**

HEARING THROUGH VIDEO CONFERENCING

26-10-2021 : PROCEEDING

Hearing taken up. Learned Counsel for both the Parties are Present.

Learned counsel of the complainant submits that as an allottees, they should be permitted to complete their shares of the part in the Project subject to structural audit. He submits further that Complainant cannot take the role of the promoter in completing the entire project without the approval of the NCLT.

The Learned Counsel of the Respondent reiterated his submission that the Authority has no jurisdiction as the matter is before the NCLT and requested to record his objection.

The Bench observed that the issue of maintainability has already been settled by a speaking order and hence this issue cannot be reopened. On the plea of the complainant that they may be allowed to resume construction on their share, the Bench felt that since the complainant is not willing to apply as a promoter with an intent to sell flats, the question of any specific permission to undertake construction on one's own land is not envisaged in the Real Estate (Regulation and Development) Act, 2016.

The Bench advised the learned counsel of the complainant that they can always apply fresh as promoter for completion of the project, but before that assessment and valuation of the works done as

on date by the respondent company a chartered valuer at their expense.

With the above observations, the present case is disposed of.

Sd/-
Nupur Banerjee
Member

Sd/-
Naveen Verma
Chairman

