

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG. 969/2019

Authorized Representative of RERA

v.

Aryavart Housing Pvt. Ltd

Project – ARYAVART AASHRAY

**HEARING THROUGH VIDEO CONFERENCING
ORDER**

02-03-2022

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 ‘ARYAVART AASHRAY’.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Aryavart Housing Pvt. Ltd through Shree Dinesh Kumar Singh, on 28.02.2022, as to why the application for registration of the Project ARYAVART AASHRAY, filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 09.04.2019, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The ground for rejection was that the applicant failed to furnish duly approved map approved by the competent Authority as the map enclosed with the application was approved by Mukhiya Gram Panchayat Naubatpur, District-Patna.

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 28.02.2022, as well as through email on 28.02.2022.

On perusal of records of the case, it appears that the promoter has made an application for registration of the Project ‘ARYAVART AASHRAY’, before the Real Estate Regulatory Authority (RERA), Bihar, on 09.04.2019. The map submitted by the promoter was approved by Mukhiya Gram Panchayat Naubatpur,

District-Patna. However, the area in which the project is proposed falls under planning area- Patna Metropolitan Area Authority. Since the promoter did not submit the requisite documents as stipulated under Section 4 of the Real Estate (Regulation and Development) Act 2019 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules 2017, notice was served to him on 28.02.2022 for appearing before the Authority on 02.03.2022.

The Bench observes that an application filed under section 4 of the Act must fulfil the requirements of sub-section 2 of Section 4 of the Act as well as Rule 3 and 4 of the Bihar Real Estate (Regulation and Development) Rules, 2017. Section 4 (2) (d) of the Act, which read as follows:-

“the sanctioned plan, layout plan and specification of the proposed project or the phase thereof, and the whole project as sanctioned by the competent Authority”

requires that an application for registration of a real estate project must contained the map approved by competent authority.

In the light of facts and circumstances mentioned above the Authority observes that it is apparent that the original building map plan of the proposed project has not been approved by the competent authority in terms of section 4 (d) of the Act and, therefore, the application for registration of real estate project ‘ARYAVART AASHRAY’ stands rejected as not pressed as the promoter failed to appear before the Authority and also failed to submit the requisite documents with the Authority as stipulated by 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 from them.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)