

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.1024/2019

Authorized Representative of RERA

v.

Rational Infra Builders Private Limited

Project – LAND IN AS IS WHERE IS CONDITION

HEARING THROUGH VIDEO CONFERENCING

ORDER

11-03-2022

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 'LAND IN AS IS WHERE IS CONDITION'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Rational Infra Builders Private Limited through its Managar, Mr. Anand Kumar Singh, on 04.03.2022 as to why the application for registration of the Project 'LAND IS AS IS WHERE IS CONDITION' (Application No. **RERAP06202019102408-1**), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 03.07.2019, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The grounds for rejection were that the applicant failed to furnish duly approved map by the competent Authority. The map submitted with the application was approved by Mukhiya Gram Panchayat Raj Hasilpur, Saran, Aadhar Card of the promoter, Development Agreement, ITR of last 3 preceding years, Cash Flow Statement, Auditors Report, Notes to Account, Details of Contractor, CA, Structural Engineer, Balance Sheet of FY 2018-2019, 2019-2020, 2020-2021, Profit and Loss Account of FY 2018-2019, 2019-2020, 2020-2021 and Director's Report of FY 2018-2019, 2019-2020, 2020-2021.

Mr. Gaurav Singh, Director of Rational Infra Builders Pvt. Ltd. appears on behalf of the respondent company and submits that the land in question was not for sale to allottees but for the purpose of sale to a school. Mr Gaurav further informs the Bench that he was informed by an official of the local registration office that for selling any kind of land through a company, RERA registration certificate/NOC is required from RERA and accordingly he applied before the Authority for registration of the land. The promoter further informed that on his request a letter from RERA was issued that there was no requirement for registration of project in this matter. Therefore, the Director prays to withdraw the application for registration of the project . He also requested for get refund of the fees from RERA which was deposited at the time of applying for registration of the project.

The Bench observes that neither the application submitted does not fall under the category of project as defined in Section 2 (zn) of the Act nor is the respondent company a promoter under the Act.

The Bench allows the prayer of the promoter to withdraw the application for registration of the real estate project and observes that decision regarding refund of fee deposited by the promoter would be taken separately.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)