

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman &
Mrs. Nupur Banerjee, Member

Case No. RERA/PRO/REG.1092/2019

Authorized Representative of RERA

v.

Umeed Builder & Construction Pvt. Ltd.

Project – UMEED NAGAR TOWNSHIP PH-01

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 'UMEED NAGAR TOWNSHIP PH 01'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Umeed Builder & Construction Pvt. Ltd., through its Director Mr. Rupesh Kumar, on 28.02.2022 as to why the application for registration of the Project UMEED NAGAR TOWNSHIP PH 01 (Application No. RERAP09242019125833-1), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 25.09.2019, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The ground for rejection was that the promoter failed to furnish map approved by the competent Authority, as the map submitted with the application was approved by Mukhiya Gram Panchayat Raj Doiya, Noorsarai, district Nalanda.

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 as well as through email on 28.02.2022.

On perusal of records of the case, it is clear that the promoter has made an application for registration of the Project 'UMEED NAGAR TOWNSHIP PH 01' with the map approved by

Mukhiya Doiya Gram Panchayat, District Nalanda, and the area in which the project is proposed falls under non-planning area.

The Bench takes note of the fact that in response to letter dated 03.03.2021, sent by Secretary, RERA to the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, a letter from that Department dated 18.08.2021 was received stating therein that the matter was under consideration with regard to grant of powers of local authorities in non-planning areas for real estate project. Therefore, Mukhiya of Gram Panchayat lacks the power of approval of building plan in their respective panchayat areas. It also notes that the Urban Development and Housing Department, Government of Bihar, has urged RERA to ensure that the provisions of Bihar Building Bye Laws are being enforced when maps are submitted to it before projects are registered.

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.

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 construction of building which are not being regulated cannot be allowed putting the interest of allottees in jeopardy, therefore, the real estate project 'UMEED NAGAR TOWNSHIP PH 01' stands rejected as the promoter has 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)