

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

Case No. RERA/PRO/REG.1100/2019

Authorized Representative of RERA

v.

Nandani Homes Pvt. Ltd.

Project – Krishna Apartment

Order

23-03-2022 Hearing taken up for rejection of the application for registration of the project '**Krishna Apartment**'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Nandani Homes Private Limited., through its Managing Director, Sri Neyaz Ahmed, on 09.03.2022 as to why the registration of the Project Krishna Apartment, filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 04.10.2019, should not be rejected. The ground for rejection was that map submitted by promoter has been approved by Mukhiya who is not the competent authority to approve maps.

No one appeared on the behalf of the respondent company.

Authorised Representative, RERA submits that according to the application, the project address mentions the area Kachhuara and as per Planning area there is two Kacchhuara named area fall under the planning area Sampatchak.

The Bench observed that despite issuing of notice dated 09-03-2022 for rejection, no one appeared on the behalf of respondent.

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. Section 4 (2) (d) of the Act requires that an application for registration of a real estate project must contain 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 (2) (d) of the Act and construction of building which are not being regulated cannot be allowed putting the interest of allottees in jeopardy.

The Authority observes that building map /plan of the proposed project has not been approved by the competent authority in terms of section 4(2)(d) of the Act and, therefore, the application for registration of real estate project 'Krishna Apartment' stands rejected 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)

