

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.1110/2019

Authorized Representative of RERA

v.

Green City Muzaffarpur

Project – GREEN CITY MUZAFFARPUR

HEARING THROUGH VIDEO CONFERENCING

ORDER

08-04-2022

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 'GREEN CITY MUZAFFARPUR'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Green City Muzaffarpur through its Partner Syed Nishat Neyazi, on 01.04.2022 as to why the application for registration of the Project GREEN CITY MUZAFFARPUR (Application No. RERAP10172019174901-1), filed by the promoter with the Real Estate Regulatory Authority (RERA), Bihar, on 04.09.2022, 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 copy of map approved by the competent authority.

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 as well as on the email id of the promoter on 01.04.2022.

The Authorised Representative of RERA submits that the promoter has made an application for registration of the Project 'Green City Muzaffarpur, with the map approved by Mukhiya Gavsara Gram Panchayat, Block – Marwan, District Muzaffarpur, and Block Marwan is notified under planning area but village Gavsara has yet not been notified under planning area.

The Bench takes note of the fact that the project is situated at non-planning area and the map of the aforesaid project is approved by Mukhiya who is not the competent Authority.

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 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. Therefore, the real estate project 'GREEN CITY MUZAFFARPUR' 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)