

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No. RERA/PRO/REG.1186/2020**

Authorized Representative of RERA

v.

Pathos Realways Pvt. Ltd.

**Project – GOLDEN HERITAGE**

## **HEARING THROUGH VIDEO CONFERENCING ORDER**

**23-03-2022**

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 'GOLDEN HERITAGE.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Pathos Realways Pvt. Ltd. through its Director, Mr. Ashutosh Kumar Prabhakar, on 09.03.2022 as to why the application for registration of the Project 'GOLDEN HERITAGE' (Application No. **RERAP2210201801013-2**), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 21.10.2020, 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 map duly approved by the competent Authority as the map enclosed with the application was approved by Gram Panchayat Raj, Aanadap, Bihta, District – Patna, whereas the location of the project falls within the limits of PMAA and also not submitted Building permit letter, Notice of Commencement (Form 'X'), Proforma of Conveyance deeds & Notes to Account of the balance sheet.

No one appeared on behalf of the respondent company. Authorised Representative of RERA placed before the Bench that notice of hearing has already been sent to the concerned promoter through registered post on 10.03.2022, as well as on the email id of the promoter on 10.03.2022.

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 '**GOLDEN HERITAGE**' (Application No. **RERAP2210201801013-2**) on the ground of inadequate documents 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.

The promoter is at liberty to submit the application for the registration of aforesaid project afresh with all the relevant documents before the Real Estate Regulatory Authority and no fees would be charged.

Sd/-

**Nupur Banerjee**  
(Member)

Sd/-

**Naveen Verma**  
(Chairman)