

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

**Case No. RERA/PRO/REG.1294/2020**

Authorized Representative of RERA

v.

Manikar Kahua Pvt. Ltd.

**Project – KUWAR APARTMENT**

**HEARING THROUGH VIDEO CONFERENCING**

**ORDER**

22-02-2022

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 'KUWAR APARTMENT'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Manikar Kahua Pvt. Ltd., through its CEO Mr. Vikash Kumar, on 09.02.2022 as to why the application for registration of the Project KUWAR APARTMENT, (Application No. RERAP04162019211826-1), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 02.09.2020, 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 duly approved map approved by the competent Authority as the map enclosed with the application was approved by Mukhiya Gram Panchayat Raj Kherajpur, Block Bahadpur, district Darbhanga.

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 on 09.02.2022, as well as through email on 11.02.2022.

On perusal of records of the case, it appears that the promoter has made an application for registration of the Project 'KUWAR APARTMENT', before the Real Estate Regulatory Authority (RERA), Bihar, on 02.09.2020. The map submitted by

the promoter was approved by Mukhiya Kherajpur Gram Panchayat, District Darbhanga, and the area in which the project is proposed falls under non-planning area. Since the promoter did not submit the requisite documents as stipulated under Section 4 of the Real Estate (Regulation and Development) Act 2019 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules 2017, therefore, notice was served to him on 09.02.2022 for appearing before the Authority on 22.02.2022.

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, which read as follows:-

*“the sanctioned plan, layout plan and specification of the proposed project or the phase thereof, and the whole project as sanctioned by the competent Authority”*

requires that an application for registration of a real estate project must contained 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 (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 application for registration of real estate project ‘KUWAR APARTMENT’ stands rejected as not pressed 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)