

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

Case No. RERA/PRO/REG.1318/2020

Authorized Representative of RERA
v.
Soumyvinayak Construction Pvt. Ltd.

Project – RAMANAND RESIDENCY

HEARING THROUGH VIDEO CONFERENCING

ORDER

24-02-2022

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 '**RAMANAND RESIDENCY**'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Soumyvinayak Construction Pvt. Ltd. through its Director Mr. Pappu Kumar, on 09.02.2022 as to why the application for registration of the Project RAMANAND RESIDENCY (Application No. RERAP11302019215818-4), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 16.10.2020, 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 submitted by the promoter was approved by Mukhiya Gram Panchayat Raj Sampatchak, district Patna.

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 11.02.2022, as well as through email on 12.02.2022. He further placed before the Bench that the promoter has submitted a copy of receipt showing that map has been submitted for approval before PMAA.

On perusal of records of the case it appears that the map submitted by the promoter was approved by Mukhiya Gram Panchayat, Sampatchak, District Patna but the project

area falls within the jurisdiction of the Patna Metropolitan Area Authority (PMAA) .

The Authority 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.

Hence the promoter is required to submit the map/ plan as approved by PMAA and since approval of competent authority is not available, the present application for registration of real estate project ‘RAMANAND RESIDENCY’ 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)