

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.1332/2020

Authorized Representative of RERA

v.

Shiva Sai Homes

Project – SUNRISE CITY

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 'SUNRISE CITY'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Shiva Sai Homes through its proprietor Shiva Rani Devi, on 01.04.2022 as to why the application for registration of the Project SUNRISE CITY (Application No. RERAP10282020184517-1), filed by the promoter with the Real Estate Regulatory Authority (RERA), Bihar, on 30.09.2020, 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 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 'SUNRISE CITY, with the map approved by Mukhiya Purushottampur Gram Panchayat, Block – Bihta, District Patna, and the area in which the project is proposed has now been notified under Patna Metropolitan Area Authority (PMAA).

The Bench takes note of the fact that Mukhiya of Gram Panchayat does not have the power of approval of building plan in their respective panchayat areas, and after the area is notified within the planning area, the competent authority to approve maps/plans is the PMAA.

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 'SUNRISE CITY' 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)