

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

**Case No. RERA/PRO/REG.1333/2020**

Authorized Representative of RERA  
v.  
Aaryaa Properties Buildtech Private Limited

**Project – AARYA MEADOWS**

**HEARING THROUGH VIDEO CONFERENCING**

**ORDER**

**09-03-2022** 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 ‘AARYA MEADOWS.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Aaryaa Properties Buildtech Private Limited, through its Director Shree Abhishek Kumar Priyadarshi, on 03.03.2022, as to why the application for registration of the Project AARYA MEADOWS, (Application No. RERAP11182019221341-2), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 08.12.2020, 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 map approved by the competent Authority as the map enclosed with the application was approved by Mukhiya- Gram Panchayat Sakri Saraiya, Vill- Sakri Saraiya, Dist- Muzaffarpur.

Mr. Animesh Kumar, Director appears on behalf of the promoter and submits that the planning area is yet to be notified and that there is no clarity on who would be the competent authority to approve the map/plans.

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 contained the map approved by competent authority. In this light the promoter may request the concerned authorities at the district level and State Government to include the project village within the planning area.

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 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 Bench suggests the promoter to withdraw the application for registration of the project as the map is not approved by the competent authority. The promoter can 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 after taking approval from the competent authority.

The promoter agrees to withdraw the application for registration.

The Bench allows the prayer of the promoter to withdraw the application for registration of the real estate project 'AARYA MEADOWS' with the observation that promoter may apply again for the registration of same project in future along with requisite

documents and no fees would be charged. The Authority directs that a letter may be sent to the Urban Development and Housing Department, Government of Bihar urging them to consider extending the Muzaffarpur Planning Area Authority to cover some villages in Turki Block, District -Muzaffarpur.

Sd/-

**Nupur Banerjee**  
(Member)

Sd/-

**Naveen Verma**  
(Chairman)