

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.28/2022

Authorized Representative of RERA
v.
Aaryaa Properties Buildtech Pvt. Ltd.

Project – AARYAA ENCLAVE

HEARING THROUGH VIDEO CONFERENCING

ORDER

24-03-2022

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 'AARYAA ENCLAVE'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Aaryaa Properties Buildtech Pvt. Ltd. through its Director, Abhishek Kumar Priyadarshi, on 14.02.2022 as to why the application for registration of the Project AARYAA ENCLAVE (Application No. RERAP11182019221341-3), filed by the promoter with the Real Estate Regulatory Authority (RERA), Bihar, on 07.02.2022, 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.

Mr. Abhishek Kumar Priyadarshi, appeared on behalf of the respondent company and placed before the Bench that the village Gavsara has been notified under Nagar Panchayat.

The Authorised Representative of RERA submits that the promoter has made an application for registration of the Project 'AARYAA ENCLAVE', with the map approved by Mukhiya Gavsara Gram Panchayat, Block – Marwan, District Muzaffarpur.

The Authority directs the Registration wing to refer the matter to Urban Development and Housing Department and seek clarity on whether it is within the jurisdiction of the planning body or urban local body.

The Authority 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 Nagar Panchayat.

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.

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 'AARYAA ENCLAVE' is 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)