

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.617/2018

Authorized Representative of RERA

v.

Ishani Commercial LLP

Project – YOUNG HEART CITY

HEARING THROUGH VIDEO CONFERENCING ORDER

02-02-2022

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 '**YOUNG HEART CITY**'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Ishani Commercial LLP., through its partner, Mr. Amit Kumar, on 24.01.2022 as to why the application for registration of the Project 'YOUNG HEART CITY' (Application No. RERAP972201800620-1), filed by the company with the Real Estate Regulatory Authority (RERA), Bihar, on 01.08.2018, should not be rejected under Section 5 (1) (b) of the Real Estate (Regulation & Development) Act, 2016. The ground for rejection were that the applicant failed to furnish duly approved map by the competent Authority, Earmarked Bank Account in the name of the project, Performa of Agreement for Sale as per Bihar RERA Rules, land related documents including mutation order, rent receipt and non-encumbrance certificate, details of project done by the promoter in last five years, financial details including Balance Sheet and Auditor's Report and Notice of Commencement.

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 24.01.2022, as well as through email on 25.01.2022. He further placed before the

Bench that earlier the present matter was heard on 05.07.2021, by Hon'ble Full Bench and no one appeared on behalf of the respondent company. However, Hon'ble Bench by its Order dated 05.07.2018 directed the Registration Wing for Inspection of Site in order to determine whether the project was ongoing or not. The matter was again listed and heard by Hon'ble Member R.B.Sinha & Nupur Banerjee and was rejected. Since the final Order was not signed, therefore, present matter is again listed for hearing. The Authorised Representative of RERA further placed before the Bench that Inspection team constituted in light of Order dated 05.07.2021 neither found any construction taking place on the project site nor any board regarding project or promoter was found on the project site.

The Authority took note of the fact that promoter has made an application for registration of the Project YOUNG HEART CITY, before the Real Estate Regulatory Authority (RERA), Bihar, on 01.08.2018. Since, the promoter did not submit the requisite documents as stipulated under the Section 4 of the Real Estate (Regulation and Development) Act 2016 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules 2017, therefore, notice was served to him on 05.11.2018, to submit duly approved map by the competent Authority, Earmarked Bank Account in the name of the project, Performa of Agreement for Sale as per Bihar RERA Rules, land related documents including mutation order, rent receipt and non-encumbrance certificate, details of project done by the promoter in last five years, financial details including Balance Sheet and Auditor's Report and Notice of Commencement. As no reply received from promoter another Notice was served to him on 23.12.2019 and 19.03.2021 but again promoter failed to submit any piece of paper in this regard. As no reply was received from the promoter, another notice was served to him on 24.01.2022 for appearing before the Authority on 02.02.2022, but he is not present in the hearing.

The Bench took note of the fact that the promoter has not submitted the requisite documents, despite repeated reminders and failed to appear before the Authority on the assigned date. The application for registration of **YOUNG HEART CITY** project, therefore, 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 if the application is made within three months.

Sd/-

Nupur Banerjee
(Member)

Sd/-

Naveen Verma
(Chairman)