

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.876/2019

Authorized Representative of RERA

v.

Eastern Estate Construction & Developers Pvt. Ltd.

Project – TECHNO CITY PHASE-2

HEARING THROUGH VIDEO CONFERENCING ORDER

10-03-2022

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 'TECHNO CITY PHASE-2'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Eastern Estate Construction & Developers Pvt. Ltd. through its Chief Managing Director, Sanjeev Kumar, on 11.02.2022 as to why the application for registration of the Project TECHNO CITY PHASE-2 (Application No. RERAP712201700080-3), filed by the promoter with the Real Estate Regulatory Authority (RERA), Bihar, on 31.01.2019, 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 on 11.02.2022, as well as on the email id of the promoter on 12.02.2022. He submits that the promoter has made an application for registration of the Project 'TECHNO CITY PHASE-2', with the map approved by Mukhiya Kunjwa 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 application for registration of real estate project “TECHNO CITY PHASE-2” 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)