

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

Case No. RERA/PRO/REG.93/2021

Authorized Representative of RERA

v.

Delcon Homes Pvt. Ltd.

Project – HI-TECH TOWN

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 'HI-TECH TOWN'.

Real Estate Regulatory Authority, Bihar issued a show-cause notice to Delcom Homes Pvt. Ltd. through its Partner, Mr. Naresh Mahto, on 14.02.2022 as to why the application for registration of the Project HI-TECH TOWN (Application No. RERAP275201800419-2), filed by the promoter with the Real Estate Regulatory Authority (RERA), Bihar, on 25.06.2021, 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.

The Authorised Representative of RERA submits that the promoter has made an application for registration of the Project 'HI-TECH TOWN, with the map approved by Mukhiya Shivgadh Gram Panchayat, Block – Bikram, District Patna.

Mr. Sharad Shekhar, Learned Counsel for the promoter submits that the project area is beyond the planning

area and that the consent of Zila Parishad has been obtained on the map approved by Mukhiya. He further placed before the Bench that the land on which project is proposed belongs to the promoter and in case of rejection of application for registration of the real estate project HI-TECH TOWN, development of the project would be at stake. He requested that the Authority may urge the State Government to determine the competent authority to approve maps beyond planning area .

The Authority agrees with the submission made by the Learned Counsel for the respondent company that the entire issue with its ramification may be considered urgently by the State Government and directs the Registration wing to refer the matter to Urban Development and Housing Department and seek clarity on the issue.

The Authority 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 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 'HI-TECH TOWN' 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)