

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr Naveen Verma, Chairman

Case No.CC/1151/2021

Ashok Kumar.....Complainant

Vs

M/s Tribhuwan Developers Pvt Ltd.....Respondent

Project: MBS Tribhuwan Garden

Present: For Complainant: Mr Ashok Kumar, Advocate

For Respondent: Mr JS Arora, Advocate

ORDER

11/02/2022

Hearing taken up. Mr Ashok Kumar, learned counsel of the complainant and Mr JS Arora, learned counsel of the respondent company are present.

Learned counsel of the complainant submits that the complainant has filed this case under Section 7 of the RERA Act against encroachment of government land and also filed cases before the Hon'ble Patna High Court and complaint before Patna Municipal Corporation. He submits that the report of the amin clearly indicates that the construction is being undertaken on land beyond what is owned by the promoter.

Learned counsel of the respondent company denies the entire allegations of the complainant and submits that no allottee has ever made any complaint against the respondent company but the complainant has been creating hindrance since purchase of the land 8 years ago and has been filing title suit, criminal case and even in the High Court. The counsel submits that the Hon'ble Patna High Court has given certain directions to the State Government and the counsel of the State Government has undertaken to deal with the case. He claims that the complainant is not an allottee of the project and therefore the instant case is not maintainable before the Authority. He further states that all the orders of cases filed against them by the complainant are in favor of the respondent company.

Heard both the parties. The Bench observes that admittedly the matter pertains to encroachment of government land which has to be decided by the revenue authorities but if the

allegations are true, then the interest of the allottees of this project would be affected. Since the case has been filed against the respondent u/s 7 of the Real Estate (Regulation & Development) Act, 2016, the Authority would examine the matter separately.

The Bench notes that the instant case has not been filed u/s 31 of the Act and the present complaint case stands disposed of accordingly.

Sd/-
Naveen Verma
Chairman