

REAL ESTATE APPELLATE TRIBUNAL, BIHAR

ORDER SHEET

Serial No. of Order	Date of order	ORDER WITH SIGNATURE	Office notes as to action (if any) taken on order
0	24.12.2021	<p style="text-align: center;">REAT Appeal No. 58/2021 == MS HIRA PANNA INFRA PROJECTS LLP REPRESENTED THROUGH ITS AUTHORISED PARTNER SHARAK KESHARI Appellant</p> <p style="text-align: center;">Versus</p> <p style="text-align: center;">THE REAL ESTATE REGULATORY RERA AND OTHERS Respondents</p> <p>Heard learned counsel for the appellant as well as learned counsel appearing on behalf of the Authority.</p> <p>Today a supplementary counter affidavit has been filed on behalf of the Authority. A notice was issued to the appellant under section 7(2) of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the Act) for revocation of the project on the ground that there was an earlier agreement of land development in between M/s Agrani Homes Pvt. Ltd. and the landowner but admittedly the deed was unregistered and M/s Agrani Homes Pvt. Ltd. in that so-called project got money from some buyers but that project was not registered with the Authority, and it never started on the ground.</p> <p>In the present case the promoter has not concealed any of the facts required to be disclosed under the provisions of the Act for purpose of registration rather entered into a registered development agreement with the landowner and as submitted on his behalf that there was no knowledge to him regarding any development agreement previously done by landowner with M/s Agrani</p>	

Homes Pvt. Ltd. Moreover it was also not a registered agreement. A notice under section 7(2) of the Act can only be invoked if it is found later on after grant of registration any condition enumerated in section 7(1)(a)(b)(c) as well as A and B of the Act are available only in such circumstance such notice is required to be issued not otherwise, however, none of the conditions are available for issuing any notice to the present appellant. Learned counsel of the Authority fairly concedes that there was no matter for issuing such show cause notice to the promoter.

Having considered the entire facts and provisions of law the Tribunal find that no false representation was ever made by Ms Hira Panna Infra Projects LLP while making application for registration of its real estate project titled 'The Crown' therefore, both notices dated 29.9.2021 as well as 01.12.2021 are hereby set aside.

The appeal stands allowed.

Sd/-
(Arun Kumar,J)
Chairman

Sd/-
(Arbind Madhav)
Judicial Member

Sd/-
(Sunil Kumar Singh)
Administrative Member