

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**Complaint Case No.795/2020**

Before the Bench of Mr. Afzal Amanullah, Chairman & Sri R.B. Sinha, Member.

Baptist Union Church, Bakarganj, Patna
through Rev. Moses V. Thomas, Pastor-cum-
Priest-Incharge, Baptist Union Church, Bakarganj
P.S. Pirbahore, District-Patna.

... Complainant

Vs.

M/s Utkarsh Sfatik Limited
through its Managing Director, Sri Saday Krishna
Kanoria, Son of Shri Vinod Krishna Kanoria
resident of Marwari Awas, Fraser Road, P.S. Kotwali
District- Patna (At present Ecospace Business Park
Block-4B, 6th Floor, Premises No.
IIF/11, Action Area IIm, New Town,
Kolkata (West Bengal)-700160.

... Respondent.

PROCEEDING

06.11.2020: The Complainant is present along with his Advocate, Mr. Sanjay Kumar. The respondent is represented by Mr. Rakesh Kumar Samrendra, Advocate.

The respondent has responded to the Amendment Petition filed by the Complainant.

Heard the Learned Advocates for the Complainant and the Respondent.

Mr. Sanjay Kumar, Advocate argued that he has moved Amendment Petition only because that he had

wanted initially that the registration should not be done but that has become infructuous. The Complainant had wanted that the project of the Respondent should not be registered. However, since he came to know that the registration had already been done prior to the filing of the complaint, he had no option but to file an Amendment Petition for revocation of the registration. It was further argued that no new facts have been added in the Amendment Petition. Only the prayer for registration to be revoked has been incorporated. Therefore, the Amendment Petition may be allowed.

The Respondent's Advocate argued that the registration was done three days prior to the complainant filing his petition and he was aware of the fact that the registration has been done. Also that the Complainant could have rectified his complaint when he filed another complaint in the proper format in this matter. That there is no provision for filing Amendment Petition at this stage under CPC. That under Section 7 of the RERA Act, no case is made out for revocation of the registration.

We have heard the Learned Advocates of both the parties and are of the opinion that the Civil

Procedure Code acts as a guidance for us. In this matter the Complainant wanted that the project should not be registered and when he came to know that the project has already been registered, he amended the petition to revoke the registration. In the interest of justice we allow the Amendment Petition.

Put up for hearing on 1.12.2020 at 3.30 P.M.

Sd/-
(R. B. Sinha)
Member

Sd/-
(Afzal Amanullah)
Chairman