

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mr Naveen Verma, Chairman**

**Case No.CC/339/2021**

**Milind Kumar Sinha.....Complainant**

**Vs**

**M/s Shambhavi Buildcon Pvt Ltd.....Respondent**

**Project: Sneh Villa Apartment**

**14/09/2021**

**INTERIM ORDER**

The matter was last heard on 31.8.2021 and the arguments made by the learned counsels of the complainant and the respondent company have been recorded in the proceedings.

The complainant is a power of attorney holder and has filed this complaint on behalf of the land owner Sandeep Kumar. His contention is that the land owner had signed development agreement with the respondent company but due to the inordinate delay they had sent notice for compensation and then for vacating the land so that the incomplete apartments can be completed through some other builder.

The complainant has filed copies of the development agreement, power of attorney, legal notices and land revenue receipts.

No document or reply filed on behalf of the respondent company. However during hearing, the learned counsel of the respondent company had stated that the project in question is under 500 square meters with only 8 flats due to which registration with RERA is not required under Section 3(2) of RERA Act.

On perusal of the development agreement it is observed that the land on which the project has been undertaken is certainly less than 500 sq m but there is no mention of the number of apartments.

The respondent is directed to file an affidavit that the number of apartments is less than 8. The complainant is directed to also state on oath that the number of apartments exceeds eight

failing which the case would be dismissed as not maintainable. He is also advised to approach the competent court of civil jurisdiction for any breach of registered development agreement.

The question of completing the project through association of allottees or through any other promoter can be considered only after the project is required to be registered with RERA.

Put up on 7.10.2021.

Naveen Verma  
Chairman