

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

**Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha, Member and
Mrs. Nupur Banerjee, Member**

Authorized Signatory, RERA Vs. M/s Palviraj Construction

- **Mumbai Residency**
- **Bollywood Residency AB**
- **Goa City**

28.06.2021

Proceedings held through Video Conferencing

Hearing under Section 5 (1) (b) of the Real Estate (Regulation and Development) Act 2016 of Rejection of the Application for Registration of the projects Mumbai Residency, Bollywood Residency AB and Goa City of M/s Palviraj Construction was held through virtual mode.

Sri Sanjay Singh Learned counsel for the respondent company is present for all the three cases.

At the outset, the Authorised signatory of RERA stated that the Promoter- M/s Paiviraj Construction Pvt Ltd was incorporated on 8th September 2018 and has submitted three projects Mumbai Residency, Bollywood Residency AB and Goa City for registration with the RERA, Bihar till date.

Project Mumbai Residency

- The authorized signatory of RERA submitted that notice requesting the promoter to show cause why their application of registration for the **Project Mumbai Residency** should not be rejected was sent under section 5 (1) (b) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the RERA Act) due to the following shortcomings:
 - The building plan/map submitted by the promoter was not duly approved by the competent Authority. Under the extant rules, the project proposed to be located at Village Maner comes under Patna Metropolitan Area Authority (PMAA), which is now the competent authority for approving the map.
 - Other documents like building permit letter, fire NOC, land related registered deeds; land revenue receipt; mutation order ; financial statements of the year

2018-19 have not yet been submitted despite a letter having been sent by the Authority on 21 Nov 2019.

The learned counsel for the promoter requested for two days time for submitting the documents. The Authority observed whether the PMAA can approve the building plan in two days or not. It directed the promoter to submit the net worth of the Directors of the newly incorporated company before the commencement of the Company i.e. for the years 2016-17 & 2018-19 as required under Rule 16 of the Bihar Real Estate (Regulation and Development) 2017.

Subsequently it was submitted that the promoter has already filed an application on 19/03/21 for withdrawal of project. The Authority requested him to send the scan copy of this application.

The learned counsel further submitted that he would file a fresh affidavit regarding the withdrawal of the said project. He further submitted that no bookings were made in the project- Mumbai Residency in response to a query by the Authority.

The Authority directs the respondent that along with the fresh affidavit regarding withdrawal of the application for registration of the project, the promoter must certify that no bookings were made in Mumbai Residency and if there was any booking, refund of deposits along with due interest would be made to the concerned allottees.

Project Bollywood Residency A & B

The Authorized signatory of RERA, submitted that in respect of the **Project Bollywood Residency A & B** submitted by the Promoter Palviraj Construction Pvt Ltd (incorporated as a company on 7.9.2018), the issues are as follows:

- The map, submitted by the promoter was passed by the Mukhiya on December 27, 2016; application for this project was filed online on 25th October, 2019 and hardcopy of the application was submitted in 21st August, 2020. According to Section 9 of Bihar Building Byelaws 2014, the normal validity of the map is 3 years and if not completed in the said time, the map must get revalidated by the sanctioning authority prior to the expiry of the validity period, and that will be valid for another 2 years. Since the validity of the map has expired, and the promoter is yet to get the map revalidated, the project Bollywood Residency AB cannot be registered as under Section 4 (2) (d) of the RERA Act, 2016 read with Rule 3 (1) (h) of the Bihar RERA Rules, sanctioned map is the basic component for application of registration.
- After examination of the application, the RERA had sent 4 queries to the promoter. The promoter, in response to one of the query, had admitted that he has not been able to get fire NOC. This NOC is mandatory as the project, as per their application, mentions basement + ground floor + 6 floors meaning thereby it would be more than 15 meters.

- Without obtaining RERA registration the promoter was advertising the said project and making bookings, which is clear violation of Section 3 of RERA Act, 2016.

The Authority observed that the map of multistoried building has to be also signed by registered architect and registered structural engineer. The authorized signatory of RERA clarified that the map was signed only by the architect and not by structural engineer.

The Authority, on enquiry about the location of the said project, was informed that the project was in Mubarakpur-Raghurampur Mauza/Village-Mainpura and this also now came under the jurisdiction of PMAA.

The request by the learned counsel for the promoter for two days time to submit the necessary clarifications/ documents was allowed.

Project Goa City,

The Authorized signatory of RERA made the following submission in respect of the application for registration of the **Project Goa City**:

- The map was approved by the Mukhiya on 29TH October 2016 but application was filed on 23rd September 2020, and thus the map was not valid by that time as per Section 9 of Bihar Building Byelaws 2014.
- The development agreement with the landowner of plot no. 418 and 1870 of khata no. 85 was not submitted with the application. In response to a query made by RERA in October 2020, the promoter sent his reply after 6 months in March 2021 enclosing the development agreements for these two plots. However, both agreements were not registered.
- Without obtaining RERA registration, the promoter was advertising the said project which is the violation of Section 3 of RERA Act, 2016. The Authorised signatory of RERA pointed out that despite several notices and directions in another proceeding, the respondent company has not complied with the orders of the Bench and has taken huge amount of money (Rs 6.13 crores as on 31.3.2020) from the allottees without getting any project registered with the RERA.

The Authority was informed by the authorized signatory of RERA that the project is located in Mubarakpur Panchayat Village, Mauza- Mainpurshanker and block Danapur, and that the competent authority to approve the map would now be Danapur Nagar Parishad.

The Authority observed that the PMAA came into operation in October/November 2016; and that the promoter submitted building plans, approved by the Mukhiya in 2016 i.e. more than 1.5 years before the date of incorporation of said company on 8th September 2018. The Authority noted that the development agreement in Goa City was executed in July 2020 in which both the

parties- the landowner and developer stated that they would appoint an architect after execution of the agreement and get the plan prepared for the project and yet it was stated in the application for registration of the project that the plan was already approved four years back.

The Authority directs the promoter to explain the rationale of these anomalous and contradictory circumstances on oath.

The request of the learned counsel for the promoter for two days time is granted.

List all these cases on 02/07/2021 at 3.00 PM for final hearing. No further time would be allowed.

Naveen Verma
(Chairman)

R B Sinha
(Member)

Nupur Banerjee
(Member)