

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR

RERA/CC/249/2025

Avinash Kumar Singh..... Complainant

v.

M/s R.D. Eco Developers Pvt. Ltd.....Respondent

PROJECT : R.D. HEIGHT

With

RERA/CC/227/2025

Manoj KumarComplainant

v.

M/s R.D. Eco Developers Pvg. Ltd.

.....Respondent

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PROJECT : R.D. HEIGHT

With

RERA/CC/228/2025

SaketMishra Complainant

v.

M/s R.D. Eco Developers Pvt. Ltd. Respondent.

PROJECT : R.D. HEIGHT

With

RERA/CC/240/2025

PrasantKumar Upadhyay Complainant

Vs.

M/s RD Eco Developers Pvt. Ltd..... Respondent.

PROJECT : R.D. HEIGHT

With

RERA/CC/187/2025

Vijay Kumar Thakur Complainant.

V

. M/s R.D. Eco Developers Pvt. Ltd. Respondent.

PROJECT – R.D. HEIGHT

With

RERA/CC/189/2025

ParimalChandra Complainant

v.

M/s R.D. Eco Developers Pvt. Ltd. Respondent.

PROJECT – R.D. HEIGHT

With

RERA/CC/190/2025

Prince Kumar Complainant.

v.

M/s R.D. Eco Developers Pvt. Ltd. Respondent.

PROJECT – R.D. HEIGHT

With

RERA/CC/193/2025

Rajesh Shahi Complainant.

v.

M/s R.D. Eco Developers Pvt. Ltd. Respondent.

PROJECT – R.D. HEIGHT

With

RERA/CC/194/2025

Ashish Kumar Singh Complainant

v.

M/s R.D. Eco Developers Pvt. Ltd. Respondent.

PROJECT – R.D. HEIGHT

With

RERA/CC/198/2025

Neha Kumari Complainant.

v.

M/s R.D. Eco Development Pvt. Ltd. Respondent

PROJECT – R.D. HEIGHT

with

RERA/CC/199/2025

ShaluKumari Complainant

v.

M/s R.D. Eco Development Pvt. Ltd. Respondent.

PROJECT – R.D. HEIGHT

03/11/2025

ORDER

Hearing taken up. Shri Jai Ram Singh & Shri Keshab Raj, learned counsels for the complainants and Shri Sumit Kumar, learned counsel for the respondents are present.

In all the above mentioned cases, the issues are same and as such all these matters have been heard together and are being disposed of by this common order.

These cases have been filed for direction to execute absolute sale deed as per agreement for sale in favour of the complainants and give possession along with possession letter, direction to provide completion/ completion certificate, sanctioned map/ all relevant documents related to land, direction for formation of owners association, to complete the remaining work of apartment and also for liberty to file a case under Form-N before RERA, Bihar for compensation and also a direction to pay Rs. 50,000/- as a litigation cost as also Rs. 1,00,000/- for mental harassment.

The fact of the case is that an agreement for sale was executed between the complainants and R.D. Height Apartment for the consideration money mentioned in the agreement. As per agreement, period of construction of flats was 10.09.2024 with all liabilities on 10th September 2024. The possession was to be given with two months from the date of issue of completion certificate. The respondent is responsible to handover the necessary documents and plans including common areas to the association of allottees/ complainants.

The respondents filed reply in all the clubbed cases stating therein that the cases are not maintainable either in fact or in law,

being barred by the law of limitation as the project is still incomplete and registration is lapsed but before the lapse of registration certificate the promoter had already applied for extension in RERA. The respondent admits the allotment and booking of flats. The respondent-promoter has no right or authority to execute any kind of conveyance deed, hand over possession unless the promoter has got the registration certificate.

The complainants only be given possession after getting completion and occupancy certificate from the competent authority. However, the instant project is still incomplete and thus the sale deed cannot be executed at this point.

The respondent/ promoter is ready and willing to execute sale deed and handover possession thereof, the respective booked flat once the respondent promoter got extension certificate of the project and in turn obtains OC and CC. Due to non- extension of project registration certificate by the Authority in time the promoter has been facing financial as well as other difficulties in the construction and completion of the project in question.

The respondent- promoter has no objection with respect to the relief sought by the complainants except relief no. 5(vi) regarding compensation as the delay is caused by the Authority itself in granted of extension certificate to the project in question. The project in question contains six towers of B+G+18 of the State of the Art construction and the promoter is offering very cheap and reasonable price to the allottees. Being the big project the extension is very necessary for the completion of the said project in extended time limit. In light of the aforesaid facts and circumstances, the matter may be kept in abeyance till

the grant of RERA extension for the project in all the cases. Such order is fit and proper.

After hearing both sides and considering complaint and its reply filed by the respondent, it appears that the respondent is ready to handover the possession of the flats mentioned in their agreement unless and until extension period is allowed, so that he may complete all pending construction work. The allottees (complainants) have right to get possession of the concerned flats as per agreement either the respondent is registered or not registered and extension period is granted or not. During argument, it has come to knowledge that some of the complainants have deposited total consideration amount. So the respondent is directed to construct the remaining work, handover the possession and the occupancy certificate as per the sale deed, after receiving all the amount, if any, from the complainants. So far compensation is concerned, the complainants may pray in Form N of the RERA Rules.

The respondents are directed to comply the aforesaid order within a period of two months of this order, failing which the complainants are at liberty to proceed further as per law prescribed.

With the aforesaid observations and directions, this case is disposed of.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar