

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

RERA/CC/ 1202/2021

RERA/AO/319/2021

Nuzhat Fatmi

----- Complainant

Vs

Nadisa Developers Pvt. Ltd.

----Respondent

WITH

RERA/CC/ 1204/2021

RERA/AO/320/2021

Gesu Syed Hafeez -----

Complainant

Vs

Nadisa Developers Pvt. Ltd.

---- Respondent

Project: CHISHTY NAGAR MEGA CITY

27/04/2026

ORDER

Both Complainant cases are filed by both the complainants to take necessary action against Md. Saami, company Director to get their land possession or due compensation as the possession of registered land has not been given by the landlord, even after passing of eight years.

2. The brief facts of both the cases are that the complainants purchased lands from the respondent- Nadisa Developers Pvt. Ltd. under Chisty Nagar, Mega City project, Jagtwampur, Vyapur, P.S. Manger, P.S. Maner, Patna on 07.11.2013 about 8 years ago from

filing of the date, yet respondent has not given possession to purchasers. The respondent has either closed or changed their mobile number and the Director, Md.Shaami was never found on site office hence, the effort to contact him, has gone in vein. The land owner has deceived the complainants in the matter and also cheated them, hence the complainants are suffering loss due to not getting possession from company Director and there is some big scam therefore, it should enquire either by RERA or by any Government body.

3. In reply the respondents filed a maintainability application stating therein that the complaint cases have been preferred by the complainants for physical possession of the plot in question and it is not maintainable either in fact or in law and it has been preferred on false and vexatious statement suppressing actual material facts. The instant complaint cases do not fall in the ambit of RERA Act, 2016 as all the transaction with respect to the plot in question was completed in the year 2013. It is barred by the law of limitation as it has been preferred after lapse of more than 12 years. The plot in question does not come in the planning area till date and thus the RERA has no jurisdiction over the instant complaint cases.

4. The respondent/ promoter has already executed the sale deed of the concerned plot and thereby handed over physical

possession way back in the year 2013. The respondent/ promoter has also issued the possession letter in respect of the sold plot in favour of the complainants and therein the complainants have acknowledged the fact that the complainants have no grievance against the booked plot. The complainants have also executed an Agreement for sale dated 30.05.2023, with respect to the plot in question, in favour of a prospective buyers and thus the claim of the complainants has been raised with mala fide intention. Hence, these complaints case are fit to be dismissed.

5. Heard Shri Sharad Shekhar, learned counsel for the complainants and Shri Sumit Kumar, learned counsel for the respondents. Perused the case record. It is admitted fact that the purchase of the land was made in the year 2013, whereas these two complaint cases are filed in the year 2021, after lapse of about 12 years. Further these complaint cases have been filed for possession of the land, whereas, Annexure-1,2 and 3 appear to show that the complainants have already taken possession of the land in question. Even though, if there is any dispute regarding possession of the land in question, it cannot be decided before the Authority as possession of any land is matter of civil dispute and the competent court is court of civil jurisdiction. Moreover, it is admitted that the

land in question is not in the planning area and as such also, the Authority has no power to hear the matter.

6.Considering the aforesaid facts and circumstances, both complaint cases appear to be not maintainable before this Authority either in the eye of law or on facts and as such both cases are dismissed.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer
RERA, Bihar