

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

Exe. Case No. 18/2023

RERA/CC/129/2018

Sanjay Kumar & ors.

.....Complainants/ Executants

Vs

M/s Sahani Builders & Developers

.....Respondent

Project: Dev Ganga Apartment

Present: For Complainant: Mr. Arvind Vishwakarma, Advocate

For Respondent: Mr. Upendra Sahni, Proprietor

31/07/2026

ORDER

The matter was last heard on 19.06.2026 when Mr. Arvind Vishwakarma, learned counsel for the complainants/ executants was present. Mr. Upendra Sahni, the Proprietor of the respondent company was also present.

This execution case has been filed on behalf of the complainants/ executants for ensuring execution of the order dated 23.05.2022 passed by the Authority in RERA/CC/129/2018 by which the Authority directed the respondent company and their Directors to complete the remaining work in the common area, as stated in the complaint petition, within a period of three months, failing which a cost of Rs.5,000/- per day would be levied upon the respondent till the remaining work gets completed. The Authority also levied a fine of Rs.5.00 lakh upon the respondent and directed the respondent to register the project before the Authority, failing which action u/s 59(2) of the RERA Act, 2016 would be initiated against the respondent.

Learned counsel for the complainant submitted that the order dated 23.05.2022 passed by the Authority in the complaint case has not been complied with as yet, as only a partial work has been done and the basic amenities, such as lift, drainage and parking space have not been provided.

Mr. Upendra Sahni, the Proprietor of the respondent company, who is present in person, submitted that the transformer has already been installed and he has also installed the lift and a photograph of the same has been given to the

Bench. He has also filed copies of the request made to the Municipal Authorities for installation of drainage line so that proper drainage facility of the project is established. He submitted that the original copy of the letters along with the receipt of the speed post by which the said letter to all the concerned authorities including the Municipal Commissioner, Patna and the Mayor, Patna has been given. He also submitted that the application for installation of Gen set has already been taken care of. He further submitted that only a few work remains to be completed and the major work of flooring which as per earlier commitment was a normal flooring but later, on the request of the allottees of the said project, the floor consisting of chequered tiles is being done.

On 19.06.2026 the respondent was given 15 days time to file a written notes of argument submitting therein the exact time required for completion of the flooring and other remaining work. The complainant/ executant was also given the same time to file a written notes of argument. In compliance of the said order, the respondent has submitted a letter under Reference No.25/2026 dated 13.07.2026 mentioning therein that he has completed installation of lift, silent generator and waterproof work at the terrace. He has also submitted in compliance report that now only installation of chequered tiles in the parking area is the only work remaining to be completed for which he has prayed for an additional time from 13.07.2026 till 15.10.2026. No report, however, has been submitted by the complainant/ executant.

On perusal of the record, it is clear that vide the interim order dated 29.04.2024 passed by the learned Special Presiding Officer a certificate case was instituted against the respondent u/s 40(1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 25 of the Bihar RERA Rules and u/s 4 and 5 of the Bihar and Orissa Public Demand Recovery Act, 1914. The complainant/ executant was also directed to file an updated status report of the work done by the respondent within 15 days from the date of the order but he has not filed any status report of the work done. Meanwhile in compliance of the order of this Bench, the Legal Representative of RERA has submitted a report on 22.07.2026 stating therein that a certificate case has already been instituted for recovery of the penal amount in compliance of the order passed

by the Authority and the said certificate case has subsequently been transferred to the Certificate Officer, Sitamarhi.

From the facts and circumstances stated above, this Bench finds that the order passed by the Authority in the complaint case has been complied with and now only installation of chequered tiles in the parking area is remaining to be completed for which the respondent has requested for an additional time till 15.10.2026. Hence, the respondent is directed to complete the remaining work as committed by him in his letter dated 13.07.2026. So far as the recovery of the cost of amount of R.5,000/- per day against the respondent for non-compliance of the order is concerned, since a certificate case has already been instituted for recovery of the said amount which is pending before the Certificate Officer, Sitamarhi, this Bench refrains from passing any further order in this regard except for requesting the Certificate Officer, Sitamarhi to dispose of the certificate case and send a compliance report to the Authority in a period of 60 days from today.

The above order is subject to the condition that in case the respondent fails to comply with the direction given hereinabove, the complainant shall be at liberty to move the Authority for ensuring compliance of the same.

The Office is directed to send a copy of this order to the Collector, Sitamarhi to direct the Certificate Officer concerned for ensuring the compliance of the above direction.

With the above observation and direction, this execution case is disposed of.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar