

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/197/2025

M/s Ansh Raj Cconstruction

....Complainant(s)

Vs

Mr. Anuj Kumar and Others

....Respondent

PROJECT- Nageshwar Smriti Apartment

For the complainant:

Mr. Abhinay Priyadarshi (Adv.)

For the respondent :

Mr. Santosh Kumar Satyarthi (Adv.)

30.01.2026

PROCEEDING

Learned counsel for complainant, after supply of copy to the learned counsel for respondent, files rejoinder on behalf of complainant to the counter affidavit filed by the respondent. Keep it on record.

2. Learned counsel for complainant submits that the respondent landowners, Shri Anuj Kumar and Shri Arun Kumar, both sons of late Nageshwar Roy have executed a registered development agreement on 28.01.2021 for development of the project, Nageshwar Smriti Apartment and provided possession of land to the complainant. He further submits that the complainant has got RERA registration from RERA Bihar and further that both the parties have decided 50% share to each of the parties, and similar condition was made applicable with respect to car parking spaces. In addition to the above, as a part of negotiation, Rs. 50 Lakhs was also paid to the respondents by the complainant. On delivery of possession of premises of the project, the respondents started creating obstacles in the development of the project and they are now creating hurdles in carrying on the construction work and due to hindrances created by the respondent, the complainant is suffering huge loss due to charges of labourers engaged in the development work. He by citing ruling 2018 SCC Online Bombay 2074 further submits that “*under the scheme of the RERA, the promoter’s interests are also safeguarded and there is a reason for the same. Unless a professional promoter making genuine efforts is not protected, then the very purpose of development of real estate sector would be defeated*”. Hence, in the interest of allottees as well as in the interest of complainant promoter, the respondent may be restrained to interfere in the construction work so

that the complainant may be able to deliver possession of share to the respondents as well as allottees within the assured time.

3. Learned counsel for respondent vehemently opposes the submissions and submits that though the development agreement was executed by the respondents, but the approved map and RERA registration was obtained by putting a forged signatures of the complainant, which is not binding upon the respondents as the complainant never showed any approved map, layout plan , structural plan or sanctioned plan to the respondent and it is categorically submitted that the respondents never signed on any application, signed letter or annexures relating to sanction of map or registration of project. He further submits that the documents containing fabricated signatures of the respondent were illegally produced before of the PMC and RERA, Bihar for obtaining wrongly gains/benefits and the respondent came to know about such forgery only after the complainant filed the present complaint case before the RERA and also before the Civil Court. He further submits that the act of complainant amounts to a serious criminal offences, including forgery, fraud, misrepresentation and use of forged documents apart from being blatant breach of trust. Hence, neither the present complainant case is maintainable nor the respondents may be restrained from interfering into the works done by the complainant, as the present case is not maintainable.

4. Admittedly, the registered development agreement dated 28.01.2021 was executed between both the parties and the complainant has got possession of the project in question. The complainant has also got the approved map of the project, hence the registration with respect to the project in question, Nageshwar Smriti Apartment has been issued by RERA, Bihar bearing registration no. BRERAP12561-0003/58/R-1754/2024. Learned counsel for complainant has also informed that up-till-now the complainant have booked two flats in favour of allottees.

5. Though learned counsel for respondent submits that the respondents have neither put their signatures on signed letter, proposed building map, layout plan nor on application filed before the RERA for registration of the project and whatever signatures are put in the name of the respondent, they are all forged and fabricated as well as unauthorized, but the respondent could not produce any evidence in support of their contentions that the signatures of the respondent are forged and fabricated signatures on these documents filed by the complainant. The respondent should have placed on record the declaration of these allegations of forgery by a competent court/forum. The respondent should have also filed the report of forensic science/hand writing expert that the forged signatures were available on the application, map etc produced by the complainant, but instead of adopting the legal process, the respondents have started creating obstacles in development of the project, which is not reasonable in the eyes of law as the

complainant has got the approval of map by the competent authority as well as registration from the authority with respect to the project in question.

6. Be that as it may, the complainant has also booked two flats falling in his share and the complainant is also submitting QPR in the Authority. In such view of the matter, the Bench observes that the obstructions created by the respondent are not in conformity with existing laws and as such unacceptable in the interest of allottees as well as in the interest of parties.

7. In such facts and circumstances of the case, the creation of hindrances, obstacles in the development of the project by the respondent in an unauthorized way has to be restrained, otherwise, the completion of the project within a time limit will not be done by the promoter. Accordingly, the respondent landowners, namely, Shri Anuj Kumar and Shri Arun Kumar are restrained from causing obstructions, interferences or disturbances in the construction work being done by the complainant in the project, Nageshwar Smriti Apartment.

Put up on 20.03.2026 for further hearing.

Sd/-

(Ved Prakash)

Special Presiding Officer