

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar**

RERA/CC/509/2024

Pankaj Kumar Choudhary

.....Complainant

Vs

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

.....Respondent

Project: Ram Swaroop Apartment

**Present: For Complainant: Mr. Sandeep Kumar, Relative
For Respondent: Mr. Sumit Kumar, Advocate**

25/08/2025

ORDER

Hearing taken up. Mr. Sandeep Kumar, relative of the complainant is present. Mr. Amit Singh, learned counsel for the respondent is also present.

The authorised representative of the complainant submits that though sale deed pertaining to the said apartment has already been executed in his favour but the said flat has not been handed over to him as yet. A lot of work is still remaining to be completed in the said project.

Learned counsel for the respondent submits that in this matter a hurdle is being created by the landowner concerned which has become the basic reason for the respondent for not handing over the possession to the complainant. The respondent furnishes a copy of the interim order dated 28.02.2024 passed by the Hon'ble High Court in C.W.J.C.No. 2893/2024 which is related to the instant project.

Perused the order of the Hon,ble High Court. Paragraph 4 of the said order clearly mentions that if the possession has not been given to a third party till today i.e. the date of passing of the said order (28.02.2204), the same will not be handed over to anyone in the said apartment. Learned counsel for the respondent also mentions that earlier a complaint case was filed in RERA bearing CC/518/2022 which was filed by the landowner concerned, pertaining to the same apartment, wherein the Full Bench of the Authroity had been pleased to pass an order giving observation that since in the said matter allotment has been disputed and hence the Full Bench observed that the concerned parties were at liberty to move the Civil Court for redressal of their grievances.

It is thus clear that since the subject matter of the grievance raised in the present matter is subjudiced before the Hon'ble High Court in C.W.J.C.No. 2893/2024 and the matter related to the landowner of the present project is pending before the competent Civil Court in Title Suit No.455/2023, hence in the present circumstances this court finds it difficult to issue any direction in this respect and thus, refrains from giving any observation in this regard.

This case is, accordingly, disposed of with a direction to the complainant that he is at liberty to move the Hon'ble High Court in the abovementioned writ application for redressal of his grievances.

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar