



REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Vivek Kumar Singh, Chairman

Case no. RERA/Ex/252/2024

RERA/CC/192/2023

Mr. Alok KumarComplaint

Vs

M/s Narayan Real Tech Pvt. Ltd. Respondent

For the complainant: Mr. Sumit Kumar, Advocate

For the Respondent: None

Project: – VISHNUDEV PALACE (NRT HOMES)

ORDER

22-05-2025

1. The present execution of arises from non-compliance by the respondent-promoter the final Order dated 11.01.2024 passed by this Authority in the complaint case no. RERA/CC/192/2023.
2. The Authority on 11.01.2024 passed its final order with direction to respondent-promoter and its director to hand over the possession of Flat no.101, admeasuring 930 sq. ft. booked by the executant in the respondent-promoter project “VISHNUDEV” and to execute Absolute Sale Deed in favour of the complainant-executant by following all the legal formalities within two months, with further direction to complainant-executant to make payment of remaining amount to the respondent before execution of Absolute Sale Deed.
3. The respondent-promoter failed to comply with the above said order within the prescribed time and therefore, complainant filed this execution case to invoke powers vested with the Authority under section 40(1) of the Real Estate (Regulation and Development) Act, 2016, read with Rule 26 of Bihar RERA Rules 2017.
4. The complainant/executant in its petition stated that to comply its part of above said order, he had sent legal notice to the respondent-promoter on 11-02-2024 by registered post stating therein that the complainant/executant was ready to pay the remaining consideration amount to the respondent as per the Agreement for Sale But the respondent paid no heed to the Order of the Authority and the legal notice sent by the

complainant/executant. In order to substantiate his submission, complainant-executant has placed on record the Order dated 11-01-2024 along with legal notice dated 11-02-2024, copy of cheque and service of legal notice delivered to the respondent-promoter over mail.

5. The learned counsel for the complainant in course of the hearing on 10-09-2024, apprised the Authority that as on date the project has become lapsed. The learned counsel further submitted that during registration period also respondent-promoter did not adhere to Project time line, and compliance as required under the provisions of the RERA Act, Rules and Regulation the argued that as result, the project falls under the provision of Section 8 of the RERA Act, 2016. Learned Counsel also further submitted that respondent was knowingly and intentionally avoiding the proceedings before Hon'ble Authority and not appearing before the Bench for compliance of the Order passed.
6. Perused the record. The Authority notes that notices to exercise power as vested under section 40(1) of the Real Estate (Regulation and Development) Act, 2016, read with Rule 26 of Bihar RERA Rules 2017 were issued to respondents-promoter but respondent-promoter failed to appear and file their reply. Hence, it is established that respondent-promoter has deliberately and intentionally avoided the proceedings and compliance of order. Considering such disobedience, the Authority imposes a penalty of Rs. 5 lakhs/- on the respondent under Section 63 of the RERA Act for not complying with the directions and Orders of the Authority as well as for contravening the various provisions of the Act, Rules and Regulations.
7. The Authority also takes note of the fact that the real estate project Vishnudev Palace was registered as an ongoing project upon Khesra no. / plot no. 1937, 1930 (P), khata no. 717,710, Thana no. 68 situated at Mauza – AlampurGonpura, Patna bearing registration no. BRERAP00859-1/1193/R-1000/2020. The registration was valid till 19-12-2021 from 07-07-2020. The Authority after going through the record of said project available on the website of RERA Bihar observes that the respondent during the project validity period had not submitted / uploaded a single quarterly progress report of the project as mandated by the RERA Act under Section 11. The Authority also observes that respondent-promoter has also not complied various other obligations as mandated by the Authority time to time in accordance with the provisions of the RERA Act, Rules and Regulations. Such failure

and non-compliance is gross violation and taking note of it, Authority imposes a further penalty of Rs. 5 lakhs on the respondent as per Section 61 of the RERA Act, 2016 read with Regulation 9(5) of Bihar Real Estate Regulatory Authority (General) Regulations, 2024.

8. The Authority also notes that complainant has not come with any proposal in regard to Section 8 further compliance and proceedings and there only prayer to execute the above said order. Therefore, in such facts and circumstances, the Authority, in exercise of powers vested under Section 37 and 40(1) of the Real Estate (Regulation and Development), read with Rule 26 of the Bihar Real Estate (Regulation and Development) Rules, 2017 observes and directs the following:-

- 8.1. The Authority observes that it increase imagines on both sides owing to such an inefficient to manner of development of the project. With deliberate intention of not adhering to the time line of project period and compliance of the provisions of the Act, Rules and Regulations by respondent-promoter, the project as on date falls under stalled project category and is a lapsed one. In such a scenario, taking the interest of homebuyers into account, the Authority is left with only one option to proceed with Section 8 of the RERA Act, 2016 has been is framed with an intent to complete the stalled/lapsed project in consultation with the appropriate Government. State Government is empowered to take such action as it may deem fit including carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the State Government. In view of the facts and circumstances stated as above and to comply the above said order, the Authority is referring this to government for consultation as provided under Section 8 of the RERA Act, 2016 appropriate action to protect the rights and interest of the complainant for taking.
- 8.2. The Authority further directs that in order to recover the penalty amount, a certificate of Public Demand Recovery be issued under Section 40(1) of the RERA Act, 2016, read with Rule 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017, and Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

With these observations and directions, the matter is disposed of.

Sd/-

Vivek Kumar Singh
Chairman