



REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

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

Case no. RERA/Ex/254/2024

RERA/CC/193/2023

Mr. Deepak Kumar

.....Complaint

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 case arises from non-compliance by the respondent-promoter with the final Order dated 11.01.2024 passed by this Authority in the complaint case no. RERA/CC/193/2023.
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.105, admeasuring 1395 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 has failed to comply with the above said order within the prescribed time and therefore, complainant filed this execution case to exercise 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 is 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. 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 on the hearing dated 10-09-2024 apprise the Authority with a fact that as on date the project has become lapsed. The learned counsel further submitted that during registration period also respondent-promoter does not seems adhered to Project time line, compliance as required under the provisions of the RERA Act, Rules and Regulation and as result, the project falls under the provision of section 8 of the RERA Act, 2016. Learned Counsel also further submitted that respondent is 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 filed their reply. Hence, it established that respondent-promoter deliberately and intentionally avoided the proceedings and compliance of order. Considering such disobedience, The Authority imposes a penalty of Rs. 5,00,000/- 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 various provisions of the Act, Rules and Regulations.
7. The Authority also take 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 – Alampur Gonpura, 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 has 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. 5,00,000/- 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 to comply the above said order, exercising its 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 and pass following observations & directions:-
9. The Authority observes that it appears from the above discussed facts that due to such inefficient manner of development with deliberate intention to not adhere with 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 and is lapsed one. In Such scenario, taking the interest of homebuyers of this project as paramount consideration and to not left homebuyers in limbo, the Authority left with only one option to proceed with section 8 of the RERA Act, 2016 which is framed with an intent that to complete the stalled/lapsed project in consultation with the appropriate Government who 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.
10. The Authority notes that in previous also in such circumstances where project got lapsed referred the matter to government for consultation as provided under Section 8 of the RERA Act, 2016.
11. In light of the difficulties faced in executing development projects falling under the purview of Section 8 of the Act, the Authority has drafted a Standard Operating Procedure (SOP) along with accompanying draft of Memorandum of Association. These are currently under process to be sent to the State Government for finalization. The objective is to ensure that the intent and mandate of Section 8 are successfully fulfilled. In this regard, the Authority directs the Secretary of RERA Bihar to forward the proposed Bye-Laws, along with this order, to the Urban Development and Housing Department (UDHD) for appropriate consideration and

action. This step is crucial in safeguarding the rights of allottees and advancing the broader goal of "Housing for All."

12. In view of circumstances stated as above and to comply the above said order, the Authority referred this to government for consultation as provided under Section 8 of the RERA Act, 2016 to take appropriate action to protect the rights and interest of the complainant.

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

Sd/-

Vivek Kumar Singh
Chairman