

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer, RERA,

RERA/CC/276/2024

Chandan Kumar Complainant

Vs.

M/s Jai Madadi Develppers Pvt. Ltd. & Ors. Respondents

PROJECT: OM SAIHRIDYALAY APARTMENT BELA

For the Complainant : Mr. Rahul Srivastava, Advocate

For the Respondents : Mr. Jai Ram Singh, Advocate

26.09.2025

ORDER

Learned counsel Mr. Rahul Srivastava on behalf of the complainant and learned counsel Mr. Jai Ram Singh on behalf of the respondents are present.

2. Learned counsel for the complainant submits that the complainant has purchased Flat no.303 on 3rd floor from the landowner vide Sale Deed dated 03.12.2018 in the above project and he is residing there. He further submits that this complaint has been filed by the complainant against selling of common area by the respondents vide Sale Deed dated 30.03.2023 which is enclosed as Annexure –P/4, wherein the developer mischievously sold common area situated on ground floor in favour of respondent no.4. By referring paragraph (H) of the Development Agreement dated 19.12.2012 he also submits that it is specifically mentioned therein that the common area shall jointly be owned by all the Unit Owners of the said building with equal entitlement to use all commons area. Hence, he requests to rescind the Sale Deed and direct the respondents to restore the common areas in favour of the flat owners.

3. Learned counsel for the respondents submits that the promoter has jurisdiction to construct and sell the common area existing at ground floor.

4. Heard learned counsels for the parties and perused the record. The Bench finds that the complainant wants to get the Sale Deed executed in favour of respondent no.4 rescinded, but the Bihar RERA Act, 2016 does not confer such power to the Authority. So, the Bench observes that it would be more appropriate for the complainant to pursue this matter before the appropriate forum.

Taking into consideration the aforesaid facts and the observations made above, this complaint is dismissed.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar