

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

RERA/CC/32/2025

Mrs. Nishant Firoz

....Complainant(s)

Vs

Mrs. Farzana Ahmad

....Respondent

PROJECT- Imam Plaza Apartment

For the complainant:

Mr.Raju Prasad (Adv.)

For the respondent :

Mr.IshtiyaqueHussain (Adv.)

19.08.2026

ORDER

Hearing is taken up. Learned counsels on behalf of both the parties are present.

2. Learned counsel for complainant submits that the complainant has filed the instant case seeking direction upon the respondent to provide parking space.

3. The Learned counsel for the complainant submits that the complainant Mrs Nishant Firoz purchased a Flat No.205 on the 2nd Floor in Imam Plaza Apartment, situated in Ali Nagar Colony, Anisabad, P.S Gardanibagh Town and District -Patna from the respondent Mrs.Farzana Ahmad on payment of full consideration Rs.4,76,000/- through registered deed No.9662 dated 15.05.2007/21.05.2007. He further submits that the purchased flat no. 205 was 2 BHK with two toilets cum bathrooms, kitchen, one drawing-cum-dinning space etc. Learned counsel further submits that the respondent had committed to allot a car parking space no. 205 on ground floor, but the respondent did not honour his commitment and he had allotted the said car parking space to other flat owner and the space provided for them is so small that two cars can never be parked simultaneously. Learned counsel further submits that as a result of this, the complainant has been suffering monetary loss of Rs. 2500/-Per Month since 15.05.2007,which comes to the tune of Rs.5,27,500/-. The learned counsel for complainant by filing photographs of car parking spaces,

including that of car parking space no 205 submits that several allottees of said apartment have been provided separate car parking spaces ,but the complainant has been provided joint car space for the flats 205 and 305 ,which is so small that two cars could not parked at same time .Hence since 15.05.2007 the complainant could not use her car parking space as it is too small for parking of two cars.

4. Learned counsel for respondent, on the other hand, submits that the complainant purchased Flat no. 205 on 2nd floor in Imam Plaza Apartment situated in Ali Nagar, Anisabad, Patna for a total consideration amount of Rs. 4, 76,000/- through registered sale deed.

5. Learned counsel further submits that the construction of the building was started in the year 2003 and finally it was completed with entire amenities in the year 2007 and accordingly, the registered sale deed for the flat in question along with parking space was executed in 2007 in favour of the complainant. Learned counsel further submits that the complainant has been living in the said flat since 2007 and the complainant was also parking her vehicle smoothly in the parking space provided to her for the last 18 years without any hindrance. After such a long period of time, the complainant is now raising her grievance relating to parking space which cannot be claimed at this point of time. Learned counsel further submits that the complainant along with her one relative had purchased two flats in the same apartment. Flat No.205 belongs to the complainant; where as the flat no.305 belongs to the brother of the complainant. Accordingly on request of complainant and her brother two respective parking spaces were allotted, which were adjacent to each other at the time of registry.

6. Learned counsel further submits that the respondent has come to know that the complainant has recently purchased a heavy vehicle i.e. new Scorpio and started parking the same in her parking space ,which was made for two small vehicles and it was objected by parking owner of flat no.305. Accordingly in order to blame for own guilt as well as to harass mentally the respondent, who is elderly aged about 70 years has filed the present case with ulterior motive. The learned counsel for the respondent prays that the instant complaint case has no merit; hence, it may be dismissed with cost.

7. Considering the arguments advanced on behalf of both the parties as well as on going through the materials available on record, the Bench/Authority observes that the apartment in question was completed in 2007 in all respect and flats along with car parking spaces were provided by the respondent to the different stake holders. The sale deed bearing No.9662 dated 21.05.2007 (Annexure -1) in clause 5 describes the property conveyed as flat No.205 along with car parking space No.205 on ground floor in building Imam Plaza Apartment. In clause 14 of the deed it is scribed that the vendors have put vendee in peaceful physical and exclusive possession of the vended property fully described in column 5. It shows the vendee has not objected at the time of execution of sale deed about the size of parking space No.205 of the Apartment. It further appears that since coming into possession of flat and parking space No.205 on 15.05.2007, the complainant has not taken pain to take any action against the respondent in any court of law for appropriate action and she waited for the enforcement of RERA Act 2016 on 01.05.2017.

8. The Bench/Authority further observes that the complainant could not bring any evidence on record which may show that the said project was ongoing on 01.05.2017 and it required registration with the Authority as per Section 3 of RERA Act 2016. The Bench /Authority notes that Bihar Municipal Act 2007 was effective at the time of delivery of possession of flat no.205 to the complainant by the respondent and she was obliged not to enter in the building in incomplete position, but instead of compliance of law ,she preferred to take delivery of possession of flat along with car parking space. Hence all evidence available on record are leading to come on conclusion that the building Imam Plaza apartment was completed in 2007 and the complainant has taken delivery of flat No.205 along with car parking space on completion of project. In such circumstances when the project was completed in the year 2007, it cannot be on gong on 01.05.2017. Hence the Bench/Authority observes that since the project Imam Plaza Apartment was not ongoing on 01.05.2017, it was also not registrable under the provisions of Section 3 of RERA Act 2016. The Bench further observes that since project is not registrable, the RERA has got no jurisdiction to deal

with such dispute that arose much prior to the enforcement of RERA Act, 2016. The cause of action was available to the complainant in year 2007, but now the Authority has no jurisdiction to entertain the complaint case of the complainant as the project in question is neither registered nor is registrable under the provisions of Section 3 of RERA Act 2016.

7. In view of what has been discussed above, the Bench/Authority is of the considered opinion that the complaint case of the complainant is not maintainable. Accordingly, the complainant's relief against the respondent for providing a suitable car parking space is hereby rejected as not entertainable

With these observations / directions, the instant complaint case is hereby dismissed, but in the circumstances without cost..

Sd/-
(Ved Prakash)
Special Presiding Officer