

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

Exe. Case No. 381/2023

RERA/CC/1372/2020

Ujjawal Prakash

.....Complainant/ Executant

Vs

M/s Nesh India Infrastructure Pvt. Ltd.

.....Respondent

Project: Tiruvantpuram City

Present: For Complainant: Mr. Bipin Bihari, Advocate

For Respondent: Mr. Sahil Kumar, Advocate

29/05/2026

ORDER

Hearing taken up. Mr. Bipin Bihari, learned counsel for the executant is present. Mr. Sahil Kumar, learned counsel for the respondent is also present.

This matter has been transferred to this court from the court of learned Special Presiding Officer, wherein the case has been heard at length. However, since the matter has been brought here for hearing, the hearing is conducted.

Learned counsel for the executant submits that the respondent company had deliberately violated the order dated 19.05.2023 passed in RERA/CC/1372/2020. He further submits that against the said order the respondent had moved the Real Estate Appellate Tribunal (REAT) and the REAT vide its order dated 08.08.2023 in REAT Appeal No.36/2023 had directed the respondent company to enter into a fresh agreement for sale with construction plan and had also restricted the respondent to execute the said agreement at the same rate over which the initial agreement for sale was done in the year 2013. Learned counsel further submits that in the said order the Tribunal had directed the respondent (presently the executant) to pay the amount for new agreement for sale. He also submits that he is ready and was always ready to pay the amount for the agreement for sale but the respondent has never approached him for the same.

Learned counsel for the respondent submits that the order of the Authority was not passed as per the provisions of law and that is why he moved against the same before the Tribunal (REAT). He also submits that even the Tribunal did not consider his demand properly and passed an incorrect order and it is for this reason that he has now moved the Hon'ble High Court in M.A.No. 596/2023 which is under adjudication.

On perusal of the record and hearing the submissions of both the parties, this Bench observes that though the respondent was not satisfied with the order of both the Authority as well as the Tribunal but he preferred not to comply with the directions given by the Tribunal. This Bench observes it to be a deliberate negligence of the respondent in complying with the order of the REAT and in

such a case, this Bench directs the respondent to immediately comply with the order dated 08.08.2023 passed by the Tribunal (REAT). Meanwhile, restriction is hereby imposed on sale or creation of any third party right over the said unit.

It goes without fail that the direction given by this Bench is subject to the order of the Hon'ble High Court and will accordingly be affected by the same.

Since the above matter is already under adjudication by the Hon'ble High Court in M.A.No. 596/2023, this Bench refrains from passing any further order in this matter except for a direction to both the parties to comply with the order passed by the Hon'ble High Court in M.A.No. 596/2023.

With the above directions, this case is accordingly disposed of.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar