

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

Exe. Case No. 210/2024
RERA/CC/411/2023

....Executant(s)

M/s Ashiana Marketing and Construction Pvt. Ltd.

Vs

Mr. Mritunjay Prasad Choudhary Respondent
PROJECT- Ashiyana Veena Complex

For the complainant:

Mr.Sumit Kumar (Adv.)

For the respondent :

Mr.Amrendra Kumar (Adv.)

24.02.2026

ORDER

Shri Sumit Kumar, learned counsel on behalf of executant and Mr Amrendra Kumar , learned counsel on behalf of respondent are present.

2. Learned counsel for executant submits that instant execution case has been filed by the executant (respondent promoter in complaint case no. 411/2023) with submissions that the executant had already complied with the order/directions of Hon'ble Member, Shri S.D. Jha of the Authority much before the pronouncement of the order on 04.03.2024. The documents pertaining to completion of the project and installation of fire-fighting equipment could not be submitted before the Bench because no proper opportunity was provided to the executant. He further submits that the project in question is beyond the planning area of Bhagalpur Planning Authority, and the project has received the completion certificate from the Architect, the then competent authority on 10.11.2014. The project has also received the NOC from the Director-cum-State Fire Officer, Bihar, Patna on 24.05.2023(Annexure -2 and 2A). These documents will go to show that the respondent promoter has already complied with the order dated 04.03.2024 passed by the Hon'ble Member of the Authority. Hence, the Bench /Authority may declare the aforesaid order as fully executed/complied with in favour of the respondent /complainant.

3. On the other hand, learned counsel for respondent (complainant in complaint case no. 411/2023) has denied the contentions of the respondent

promoter and submitted that the executant has still not complied with the order of the Authority in its letter and spirit even after passage of seven months. The operative part of the order of the Authority dated 04.03.2204 reads as follows;- *In the light of the aforesaid observations, the Authority directs the respondent company and its Director, Mr. Mozaffar Abdul Majid to complete all remaining works, including installation of fire-fighting equipment in the project, as per Agreement, within two months from the date of issue of this order. So far the prayer for removal of illegal construction beyond the sanction plan in the campus of the project is concerned; the complainant may move the appropriate forum for redressal of the said grievance.*

4. Heard and perused the record.

5. Considering the submissions and arguments advanced on behalf of both the parties as well as on going through the documents available on record, the Bench notes that the respondent promoter (executant) has failed to interpret the order of the Authority in totality. He has not read the order between the lines. No project can be said to be a completed one in absence of completion certificate, occupancy certificate and installation of fire-fighting equipment at safer place and other amenities as per Agreement. In this case, the Bench observes that these measures have not been taken by the respondent promoter as per the order of the Authority. The promoter is legally bound to provide these amenities on completion of the project. The Authority vide its order dated 04.03.2024 has clearly directed the Director of the respondent company to complete all the remaining works that include providing of mandatory CC/OC and also installation of fire-fighting equipment at appropriate place for safety of the building as well as allottees.

6. The Bench further finds that the respondent, Shri Mritunjay Prasad Chaudhary has filed a petition to the effect that the Electric Meters have not been installed at proper place. All the meters have been installed below the stair which is also not proper place for the safety of the residents and building. The respondent has also filed a copy of letter dated 16.10.2024 issued by a Junior Engineer, Electric Supply Department, Tilakamanjhi addressed to the Secretary, in which the Junior Engineer has expressed his concern over the installation of Electric Meter and threatened to disconnect

the electric supply to the building if the Meter and electric panel are not installed near the Transformer. In these view of the matter, it cannot be said that the project has been completed as per existing the building law.

7. In such view of the matter, the execution court has to see to it that the order passed in complaint case should be complied with in its letter and spirit. The concern of everyone, including the builder and stake holders is the safety of the building and its residents. There should be no compromise on it. In my considered opinion, the respondent promoter has not fully complied with the order of the Authority. The contention of respondent promoter that the order has been complied with is not correct. Hence, his contentions in the execution case are rejected.

8. Hon,ble Supreme Court in Samruddi Cooperative Housing Society Ltd Vs.Mumbai Mahalaxmi Construction Ltd (2022) 4 SCC 1039 and Parsvnath Developers Ltd Vs Mohit Khirbat (Supreme Court 2026) has held that simply delivery of possession of flat without Occupancy Certificate is deficiency in service. In absence proper fire safety measures', electricity connections etc as well as Occupancy Certificate the promoter is liable for violations of provisions under section 11(4)(a)(b),(g),14(3),17and 18 of RERA Act 2016.

9. In the light of discussions made hereinabove, this Bench hereby directs the respondent company and its Director, Shri Mazaffar Abdul Majid to complete all the remaining works that include installation of fire-fighting equipment at proper place, electric meter and electric panel near the transformer as per advice of the Junior Engineer, Electricity Department of the area and hand over copy of the Occupancy Certificate to the allottees including Respondent/Complainant.

With these observations/directions, this execution case is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer