

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar**

RERA/CC/431/2024

Manish Kumar

.....Complainant

Vs

M/s Bhramant Homes Pvt. Ltd.

.....Respondent

Project: Rameshwaram Apartment

Present: For Complainant: None

For Respondent: Mr. Sumit Kumar, Advocate

10/10/2025

ORDER

The matter was last heard on 19.06.2025 when none had appeared on behalf of the complainant but Mr. Sumit Kumarr, learned counsel had appeared on behalf of the respondentt.

The fact of this case as claimed by the complainant in his complaint is that the complainant is the owner of Flat No.103 in the said project and the respondent has illegally occupied the common area for his personal use as a car parking space. The complainant and other flat owners had requested them to vacate the illegally occupied space but the respondent paid no heed to their requests. He further stated that the respondents have illegally occupied the space for their own parking spaces which are actually being used as drive way of the apartment stating that he has purchased the said parking area from respondent no.1. The complainant with other allottees has also submitted a representation to the Municipal Commissioner on 25.11.2018 and the Mayor on 27.12.2023 but no action has been taken as yet. He also approached the respondent to vacate the same but the respondent did not give any satisfactory reply. Thereafter the complainant has given several reminders to settle his grievances but no step has been taken for redressal of his grievances. Therefore, the complainant prays for a direction to the respondent to vacate the illegally occupied space and also for a direction to the respondent to pay Rs.25,000/- as physical harassment and mental agony caused to him and Rs.25,000/- as litigation cost along with compensation.

‘ The complainant has placed on record a copy of the photograph of illegally occupied driveway and the representations dated 25.11.2018 and 27.12.2023.

The respondent has filed a maintainability application on 19.06.2025 in which he has stated that the allegations made by the complainant are false and fabricated and lack legs to stand. The present complaint petition is not maintainable either on facts or in law as no cause of action has arisen in the present case after RERA Act came into force in the State of Bihar and the complainant has failed to disclose the exact time, date and place of cause of action . He has further stated that the present complainant is not an allottee in terms of Section 2(d) of RERA Act, 2016 as he has no valid allotment letter,

booking letter and registered agreement for sale and it is also not clear as to which flat was actually booked by the complainant. The owner of the flat in question is Smt. Anuradha Devi and not the complainant. He also stated that Smt. Anuradha Devi purchased the said flat in question in the year 2015 from one Sri Dineshwar Nath Sinha and Smt. Usha Sinha but not from the respondent. He further stated that all transactions related to the project in question had been completed till 2009 and he has prayed to dismiss the complaint petition as not being maintainable.

Learned counsel for the respondent submits that the said apartment was completed way back in the year 2001 i.e. much before the enforcement of the RERA Act and hence, the provisions of RERA Act, 2016 does not apply in the instant case. He further submitted that Mr. Manish Kumar, who is the complainant, is not the original buyer of the flat which has been sold by the respondent. On the contrary, he is a subsequent buyer who has purchased this flat from the original buyer and hence, his locus standi for filing this case against the respondent does not exist at all.

As per the direction dated 19.06.2025 the Registration Wing has submitted its report on 22.08.2025 which is as follows:

“Promoter name : M/s Bhramant Homes Pvt. Ltd.

Project Name : Rameshwaram Apartment

Registration Status: Not registered

It was observed in the complaint petition that the complainant self-declared on page 8, point (iv) of the petition, that the apartment, namely, Rameshwaram Apartment, is a Pre-RERA Apartment. This indicates that the project was developed or sold before the RERA Act came into force (i.e. before May 1, 2017).

Further, as per the documents provided by the respondent, a copy of the letter/ order by Patna Nagar Nigam dated 31.10.2021 states that the allotment of these flats had been decided earlier wherein Flat Nos. 304, 301 and 413 were allotted to Shri Narenadra Kumar, Shri Sanjeev Verma and Shri Satguru Sharas Sinha respectively within the project Rameshwaram Apartment. Additionally, a copy of the electricity bill dates prior to the enforcement of the RERA Act, 2016 (i.e. 01.05.2017).

This further confirms that the project was completed before the date when RERA Act came into force i.e. before May 1, 2017.”

Thus, in the light of the documents placed on record and submissions made therein and also considering the fact that the said project has been completed before the enforcement of the Real Estate (Regulation and Development) Act, 2016 and also that the complainant is not the original buyer of the flat which has been sold by the respondent and that he is the subsequent buyer who has actually purchased this flat from one of the buyers of the impugned flat/ project, this Bench finds this case to be out of purview of the

RERA Act, 2016 and therefore, not maintainable and hence, it is dismissed as not maintainable.

The complainant, if so advised, may file his case before the competent forum for redressal of his grievances.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. (Adjudicating Officer) as per the provisions of the Real Estate (Regulation and Development) Act, 2016.

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

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar