

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/467/2024

Samridhi Flat Owner

.....Complainant

Vs

M/s Omm Reality & Infrastructure Pvt. Ltd.

.....Respondent

Project: Omm Samridhi, Ward No.17, Danapur

Present: For Complainant: None

For Respondent: Mr. Shatrunjay Kr. Singh, M.D.

09/04/2026

ORDER

Hearing taken up. The complainant is absent. Mr. Shatrunjay Kumar Singh, the Managing Director of the respondent company is present.

The M.D. of the respondent company files a written notes of argument and submits that he has redressed the grievances of the Association. He also submits that the present Owner's Association has been formed on an irregular basis by overriding the earlier Association of Allottees which was formed by the respondent as a promoter under the provisions of RERA Act, 2016. He further submits that the matter is pending before the Hon'ble High Court which is still sub judice. He also submits that he has taken care of all the grievances of the Allottee Association and has completed the construction of the project as per the norms and conditions laid down by the competent authority. He has submitted the completion certificate which has been duly acknowledged and he is also in receipt of the Occupancy Certificate issued by the Danapur Nagar Parishad which itself is a proof that the construction has been done as per the norms and conditions laid down by the competent authority. He, therefore, requests for this case to be dropped.

The complainant is absent today. The complainant has failed to submit a written notes of argument in compliance of the direction given by this Bench on 28.08.2025 and also failed to appear on 19.02.2026 as well as today. Since hearing regarding this matter has been conducted from 22.07.2025 onwards and altogether five hearings have been held including today, this Bench deems it appropriate to take a final decision in this matter on the basis of material available on record.

On perusal of record of this case and considering the submissions made by the parties during the hearings held, it is clear that the respondent had formed an Association of Allottees in the name of Omm Samridhi Flat Owners Welfare Association and later on, the said Association of Allottees was overridden by forming an another Association of Allottees by the complainant and other flat owners of the impugned project. This court also observes that a writ petition has already been filed in the Hon'ble High Court bearing C.W.J.C.No. 8023/2024 which is sub judice before the Hon'ble High Court. In the said writ petition, the earlier President of the Allottee Association, landowner, the respondent and the

complainant all are parties involved. The President of the earlier Allottee Association has submitted a written statement along with the promoter mentioning therein that all the statutory obligations required to be fulfilled under the provisions of Real Estate (Regulation and Development) Act, 2016 have been fulfilled by the respondent. The President of the earlier Association of Allottee has also given in writing that water logging and the problems in the basement, as referred to by the complainant, is non-existent. He has also mentioned that after verifying the construction and finding it as per the provisions of law, the Nagar Parishad, Danapur, which is the competent authority, has issued an Occupancy Certificate in favour of the said project. It has also been mentioned by him that had there been any issues/ defect in the said construction, then Occupancy Certificate would not have been issued by the concerned competent authority.

After giving a cautious and serious consideration to the facts and the evidences pertaining to the matter in question, this court observes that the present case is basically a matter of dispute between the complainant and erstwhile Allottee Association formed by the respondent for which a writ petition is already sub judice in the Hon'ble High Court. The issuance of Occupancy Certificate as mentioned by the erstwhile Allottee Association President is a substantial evidence to prove that the respondent has developed the project as per the terms and conditions laid by the competent authority while sanctioning the map. This Bench, therefore, prima facie does not find any merit in the present case except for the issues which is sub judice in the Hon'ble Patna High Court.

This case is, accordingly, disposed of with the observation that both the complainant and the respondent shall be liable to abide by the order passed by the Hon'ble High Court in C.W.J.C.No. 8023/2024.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar