

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

Exe. Case No. 416/2024
RERA/CC/1082/2020

Mr. Sanjay Kumar and Smt. Sarita Kumari Executant(s)

Vs

M/s Srijan Buildcon Pvt. Ltd. Respondent
PROJECT- Meena Enclave

For the complainant: Mr.Sumit Kumar (Adv.)
For the respondent : None

24.03.2026
21.04.2026

O R D E R

Hearing is taken up. Shri Sumit Kumar, learned counsel on behalf of complainant is present, but the respondent is absent.

2. Learned counsel for the executants submits that the instant execution case has been filed for compliance of order dated 07.09.2021 passed in complaint case no. 1082/2022 by a Division Bench comprising Smt. Nupur Banerjee, the Hon'ble Member and Shri Naveen Verma, the Hon'ble Chairman of the Authority, whereby and where under the promoter was directed to execute the registered deed within three months of the order and hand over possession of the completed apartment to the complainant. The promoter was also directed to pay interest at the marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years or more plus two percent for the period of delay. Learned counsel further submits that Technical Report dated 15.08.2025 conducted by RERA Team along with photographs of the building is also on the record, which has found that there was no boundary done in project, no lift installed, no electrical panel installed and glasses of the windows were broken and construction of the building was incomplete.

3. Learned counsel further submits that based on the agreement for sale dated 11.04.2014 bearing deed no. 4390, the complainant booked flat no. 107 (2 BHK) with car parking space on 4th floor, having super built-up area of 1185 sq. ft. in the project, namely, Meena Enclave located on the land

bearing Khata no. 215, Survey Plot no. 290, Mauza – Rukunpura, prgana-Phulwari, sub-registry – Danapur District-Patna under PMC by paying the full consideration amount to the promoter.

4. Learned counsel further submits that in spite of repeated request of the complainants/executants as well as legal notice dated 14.11.2024, the respondent promoter has failed to comply with the order dated 07.09.2021. After 15 days of legal notice, the complainant had taken peaceful possession of the flat as the said flat in question was open and accessible to everyone.

5. Though the learned counsel for the respondent by filing vakalatnam on 15.07.2025 had appeared and filed reply on 18.08.2-25, but thereafter on 07.10.2025, 02.12.2025, 20.01.2026, 24.03.2026, 21.04.2026 she was absent. Since the respondent or their representative has not taken pain to attend the proceedings of the case, the matter cannot be kept pending for an indefinite period, hence having no option, the Bench/Authority heard the learned counsel for the executants for conclusions and passing order in this case.

6. The learned counsel for the respondent promoter has submitted that the project in question does not come within the purview of the Authority. It is within the exemption under section 3 (2) (a) of RERA Act, 2016, because of the fact that the total area of land on which the said project is developed is 252.98 Sq. Meters, which is less than the statutory threshold of 500 Sq. Meters and the total number of flat is eight, which does not exceed the statutory limit prescribed under the Act. As such, the project in question is unregistered. The respondent promoter has also filed a copy of order dated 21.10.2022 passed by Hon'ble Tribunal in Reat Appeal no. 52 with 53 of 2022 in which the Hon'ble Tribunal held that in view of section 3 (2) of the Act, no registration of real estate project is required where the area of land to be developed does not exceed 500 Sq. Meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases. Hence, respondent promoter emphasized that the Authority has no jurisdiction to regulate the unregistered project.

7. Taking into consideration the aforesaid facts as well as on going through the record, the bench observes that the respondent promoter has

given no heed to the specific direction of the Authority to execute registered sale deed with respect to the flat no. 107 (2BHK) in favour of the complainant. The respondent promoter has also not paid interest as per order for the period of delay. It appears that the respondent promoter has deliberately disobeyed the order of the Authority and cited the order of the Hon'ble Tribunal passed in Reat Appeal no. 52 & 53 of 2022 relating to the registration of project.

8. The Bench further observes that the said order of the Hon'ble Tribunal dated 21.10.2022 passed in REAT Appeal nos. 52 & 53 of 2022 is not related to the project at hand. It is passed with respect to some other project. Further, the said order of the Hon'ble Tribunal is passed subsequent to the order of the Authority. If the promoter was aggrieved by the order of the Authority dated 07.09.2021, he should have preferred an appeal before the Higher court to get it reversed, but he did not avail that remedy which was always available to him after passing of the said order of the Authority. At this point of time, he cannot raise the point of jurisdiction of the Authority. Hence, the plea of jurisdiction of the Authority raised by the respondent promoter in this particular case does not survive, when it is found that the project is incomplete and hence it is accordingly rejected.

9. The Bench further observes that the execution court has got no power to interpret the order of the Authority as it is in continuation of the Decree/order passed by the Authority and in interest of allottee, it has to ensure the full and substantial compliance of the order passed by the Authority.

10. In the backdrop of the aforesaid facts, the Bench is of the considered opinion that the respondent promoter has acted in total defiance of the order passed by the Authority dated 07.09.2021 and at this point of time, the respondent promoter has no option left but to comply the order dated 07.09.2021 passed by the Authority in its letter and spirit and the instant execution case may be disposed of accordingly.

11. The Bench/ Authority, based on the aforesaid facts and material available on record, hereby directs respondent promoter through its Director, Shri Rakesh Ranjan to execute the registered sale deed and hand

over possession of the completed apartment to the complainant. As per order of the Authority, the promoter is further directed to pay interest at the Marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years or more plus two percent for the period of delay. The whole exercise must be completed within three months of passing of the order, failing which the promoter shall be liable to pay penalty of Rs. 1000/- for each day of delay.

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

Sd/-
(Ved Prakash)
Special Presiding Officer
21.04.2026