

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR**

RERA/CC/435/2024

RERA/AO/103/2024

Mahesh Prasad Mishra-----Complainant

v.

M/s Technoculture Building Centre Pvt. Ltd. -----Respondent

PROJECT: Ashpur Phase-04

07/07/2026

ORDER

The complainant has filed this case to direct the promoter for replacement of dead underground cable and shifting of common sewage pipe from private lands and also for formation of society and for fulfillment of commitments in advertisement.

2. The complainant's case in brief is that the complainant in the name of his son, Ashutosh Nandan, booked a house namely Triveni-9 by paying Rs. 1,84,635.000 by cheque no. 241201, a possession certificate of Triveni-9, without electric connection and without occupation or completion certificate was handed over the complainant by the promoter. On application the South Bihar Power Distributors company was pleased to provide electric connection from the transformer pole with the help of copper wire of 7/20 size with effect from 29.05.2018 along with electric consumer no. 101947839 with the help of underground cable and panel, electric connection was given in June, 2021 by the promoter, but the supply of electricity was disrupted on July 11, 2024. Next day, an electrician was hired, who, on enquiry, inferred that the underground cable has been dead and due to structural defects in putting the cable beneath the earth, it cannot be taken out. A letter dated 08.08.2024 to both Vastu Vihar and electric company for either replacing the dead cable or providing electric connection from

transformer pole or with the help of a pole erecting near the electric panel was written. When the complainant saw the Assistant Engineer of the electric company on 27.08.2024, he refused to take any action stating the reason that the matter is relating between the Society and the Vastu Vihar Management. Vastu Vihar Management has taken no cognizance of the problem. The second problem relating to Triveni-9 is relating to passing of common sewage pipe from private lands of Triveni-8, Triveni-9, Triveni-10 and Triveni 11. Due to structural defects of common sewage system from the private land of Triveni-8 to Triveni 11, free flow of sewage is often choked and it began to overflow causing great risks and danger to health of inhabitants of Triveni Buildings. Many a time the promoter was requested to remove the common sewage system from the private lands of the allottees and to construct the same in common areas lying just in the south of the aforesaid Triveni buildings, but he is going on neglecting his obligation.

3. The respondent filed a Preliminary objection along with written statement stating therein that the complainant has suppressed the material facts that the unit in question was allotted, registered and handed over much prior to the enforcement of RERA in Bihar and that possession was peacefully delivered and accepted without any protest or objection. The complainant has filed the present complaint before the Adjudicating Officer in Form 'N', whereas the nature of relief claimed by the complainant falls under RERA Authority through Form- 'M'. There is no deficiency of service or violation of statutory provisions occurred and is denied that the respondent committed any deficiency of service and violated any provision of RERA Act, Rules or Regulations. The unit was constructed strictly in accordance with the sanctioned plan thereafter possession was delivered after completion of construction. The complainant is not an allottee under the Act and is reiterated that the unit Triveni North-09, in Project-Patna PH-04 stands in the name of Ashutosh Nandan and not in the name of the present complainant,

therefore, he has no locus standi to file this case. The complainant has neither executed nor signed any allotment letter, agreement for sale, or registered deed with the respondent and therefore, has no enforceable right against the respondent. The reliefs claimed are vague, misconceived and untenable and the reliefs sought by the complainant are vague, omnibus and beyond the scope of RERA Adjudicating Officer. The complaint is barred by acquiescence and estoppel as allottee has been in continuous possession vide possession certificate dated 19.09.2017 as per the documents submitted by the complainant himself and enjoyment of the unit for several years without raising any dispute. The complaint is motivated and opted abuse of process, therefore, present complaint has been filed with ulterior motive.

4. Heard Shri Mahesh Prasad Mishra, the complainant himself and Shri Hemant Kumar, learned counsel for the respondent. Perused the case record.

5. After perusal of the record it appears that the complaint case has been filed before the Adjudicating Officer in Form-M, whereas the relief sought for comes within the purview of the RERA Authority. The Adjudicating Officer deals with only the matter relating to compensation, hence, it appears that the complainant has filed this case before wrong Authority in wrong Form. He should file before the Authority in Form-M for the relief sought for in this petition. So far locus standi of the complainant is concerned, that matter has already been dealt with in the matter of RERA/CC/230/2024 vide order dated 04.11.2025 by the Bench of Hon'ble Enquiry Commissioner that Mr. Mahesh Prasad Mishra i.e. the complainant of this case does not have any legal stand to file the present complaint case and that order is still in existence.

6. In such situation, this court has no jurisdiction to decide the relief mentioned in the petition, so this case is hereby dismissed.

SD/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar

