

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Senior Legal Consultant

Exe. Case No -22/2023
RERA/CC/1176/2021

Vijay KumarComplainant/Executant(s)
Vs.
M/s Sri Soho Infrastructure Pvt. Ltd.Respondent
PROJECT : SOHO BADRI NARAYAN ENCLAVE

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

20.08.2024

ORDER

Shri Punit Kumar, learned counsel on behalf of executant is present, but respondent promoter and landowner are absent.

2. Learned counsel on behalf of executant has filed a petition mentioning therein that in para 7 of the order dated 05.07.2024 passed in the present case, the name of Shri Sumit Kumar, learned counsel representing the complainant has been mentioned, which is incorrect, as he himself was representing the executant on that date. Hence, the same may be corrected. Learned counsel further submits that the order may be corrected and his name on behalf of executant may be reflected/shown in place of Shri Sumit Kumar.

3. Considering submission, the order dated 05.07.2024 passed by this bench in para 7 is corrected to the extent that Shri Punit Kumar, learned counsel on behalf of complainant/executant be read in place of Shri Sumit Kumar on behalf of complainant/executant.

4. Learned counsel further submits that he has filed a petition dated 18.07.2024 along with photo copies of payment receipts of electricity bills as proof of residence of the executant in the said flat and further submitting therein that the executant has taken physical possession of flat no.204 in Block -A of the project, Soho Badri Narayan Enclave, Vijay Nagar, Hanuman Nagar, Kankarbagh, Patna in May, 2024. He further submits that the Registrar, Patna may be directed to register the above flat in the name of the

executant unilaterally. The respondent promoter is absconding and the respondent landowner is also absent to pass any comment on the petition of the executant.

5. Considering the petition of the executant and on going through the records, it appears the development agreement deed no. 28709 dated 08.11.2012 was executed between the Director, Shri Vijay Kumar of M/s Soho Infrastructure Pvt. Ltd and landowners, Mr. Badri Narayan Prasad Chaudhary and others with respect to the construction of multi-storied building/project, namely, Soho Badri Narayan Enclave wherein Schedule –II shows the entire Block –C and southern portion of Block –B, i.e the total 51% share of land was allotted to the landowner in the project and in like manner, the entire Block –A and northern portion of Block –B, i.e approximately 49 % of the total built-up area in the project was allotted in the share of the promoter/developer. Shri Vijay Kumar, the concerned Director has executed an agreement for sale with respect to flat no. 204 in Block –A along with reserved car parking space on the ground floor and undivided proportionate share in the land, i.e., common assets as well as common area, including amenities, fittings and fixtures, situated at Vijay Nagar, Patrakar Nagar, Kankarbagh, Patna, Bihar having boundary in north-stairs and open space in South flat A-205 and open space and E- set-back area of the building and in West – corridor area of the building. The consideration amount has been fixed as 31 lacs.

6. It is obvious from the above facts that the executant, Vijay Kumar is the allottee of the above flat no. 204 in Block –A of the project and now he is in possession of the said flat since May, 2024.

7. It further appears that the promoter is absconding, so there is none to execute sale deed in favour of the executant. Hence, as per section 21 of the Bihar Apartment Ownership Act, 2006, the competent authority i.e. Patna Municipal Corporation may make enquiry on the application of the executant in prescribed form and on being satisfied, may issue the certificate to the Registrar for executing registration of the sale deed and the competent authority may issue a certificate in this respect and may direct the executant

to present the deed of sale before the Registrar for unilateral execution of registration.

8. Therefore, the Commissioner-cum-Executive Officer of the Patna Municipal Corporation is directed to issue a certificate for registration of unilateral sale deed in favour of the executant with respect to the flat no. 204 in Block -A of the above project and the Registrar Patna, Sadar, Sub-Registrar, Danapur is directed to register unilateral sale deed presented before him in favour of the executant with respect to the above flat in the project, Soho Badri Narayan Enclave.

9. In the light of the above observations/directions, the present case is disposed of.

Sd/-
(Ved Prakash)
Senior Legal Consultant
RERA, Bihar