

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh
& Hon'ble Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar,**

RERA/CC/179/2022

M/s A.V.S. Builders & Developers Pvt. Ltd. Complainant

Vs.

M/s Ran Vijay Singh and 7 others Respondent

For the complainant: Mr. Sumit Kumar, Advocate

For the Respondents: Mr. Dheeraj Kumar Roy, Advocate

Project:- VINAYAK CITY

ORDER

24.07.2024 Hearing taken up. Mr. Sumit Kumar, Advocate, appears for the complainant. Mr. Dheeraj Kumar Roy, Advocate, appears for the respondents/landlords.

Learned counsel for the complainant submits that the complainant entered into a development agreement with the respondents in the year, 2016 to develop multistoried buildings over their land and possession of the land was handed over to the complainant. The complainant got the plan of the project approved in the year 2021 and also got the project registered with RERA and thereafter started work but the respondents started creating hindrance in the work, which is causing obstruction in the development work of the project. He also submits that after registration, the complainant has booked three flats to the prospective buyers. The complainant requests for a direction to the respondents to provide the free, vacant and peaceful possession of project land and to not create hindrance in development work of the project.

Learned counsel for the respondent files written submission today and a copy of which has been served upon the complainant's counsel. He submits that in this case the complainant

has obtained registration from RERA, Bihar, on the basis of wrong facts and frivolous documents as the complainant - promoter did not bring to the notice of the Authority that there is dispute with respect to the possession over land. He further submits that had the complainant – promoter given knowledge to the Authority that the respondents had not delivered possession of land, the Authority would not have granted registration and the said fact was concealed intentionally. The complainant- developer had submitted false documents while responding to the letter dated 08.04.2021 wherein the Authority asked to file an affidavit the consent of the landowners on various points but the complainant did not submit the same and anyhow obtained the registration. He also submits that the Authority has no jurisdiction to decide the issues of eviction or delivery/recovery of possession. He also submits that soon after obtaining the RERA certificate on 21.10.2021, the Developer issued legal notice dated 27.12.2021 in which issue of possession was raised which was replied by the respondents-landowners vide reply dated 17.01.2022. Further he submits that a Title Suit has been filed by the respondents/landowners before the Civil Court and has been pending for adjudication. Lastly, he submits that the QPR for March, 2022 shows that the complainant has sold out three flats despite knowledge of pending of litigation. The developer has also not disclosed as to how much amount he received from the allottees.

Heard both the parties at length and perused the materials placed on the record. After considering all facts, the Authority observes that the claim of complainant-promoter against respondents-landlord for providing free, vacant and peaceful possession of project land does not fall within the jurisdiction of the Authority. Accordingly, the prayer of the complainant is rejected and the case is dismissed.

With the above observation and direction, the case is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman