

REAL ESTATE REGULATORY AUTHORITY, BIHAR
6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION LIMITED
COMPLEX,
SHASTRI NAGAR PATNA - 800023

Before Mr R.B. Sinha & Mr S.K. Sinha, Members of RERA, Bihar

Case No. CC/115/2018

Shivani Singh.....Complainant

Vs

M/s Ramsuyash Projects & Marketing Pvt. Ltd. & Ors.....Respondent

Present : For the Complainant: None
For the Respondent: Mr. Prabhakar Nath Rai, Advocate
(For ICICI Bank Ltd.)

03/04/2019

PROCEEDING

The complainant is not present. The respondent no. 01 Mr. Ajay Kumar Singh, Director of M/s Ramsuyash Projects & Marketing Pvt. Ltd. is not present. Mr. Prabhakar Nath Rai, counsel of respondent no. 02, ICICI Bank is present. The respondent no. 03 and 04 Mr. Rahul Kumar and Smt. Poonam Singh (lessors) are not present.

Hearing taken up. During previous hearings of the instant case, it has been brought on record that the project Meera Apartment located at Patliputra Colony, Patna has been ongoing for the previous nine years and the promoter has not yet handed over the possession of the Apartment no. 302 to the complainant as the only superstructure of the building has been completed and entire finishing work remains to be done. Thereafter, the Bench felt it necessary to take a suo motu cognizance against ICICI Bank, Patliputra Colony branch, (functioning from G1 & G2 apartments of the same building) on 28/01/2019 and made it respondent no. 02 accordingly. As per the prayer made by the respondent no. 02 on 14/03/2019, to make the allottees, Mr. Rahul Kumar and Smt. Poonam Singh (Lessors of the lease agreement executed between respondent no. 02 & 03/04) party to the case; the Bench allowed for the same and thereby made them respondents No. 03 & 04 respectively. Accordingly, they were called for personal hearing on 03/04/2019. Today, they did not appear. However, a person appeared and claimed to be their counsel without vakalatnama. Also he did not disclose his identity before the Bench. He requested for one month's time on behalf of respondent no. 03 & 04 to file response.

As more than four months have elapsed since the institution of this case, non-appearance of respondent no. 01, inordinate delay in completion of the building & handing over the

possession of the apartment to the complainant and failure of all the respondents to submit copies of completion and occupancy certificate of Meera Apartment as required under Section 17 of the Real Estate (Regulation and Development) Act, 2016, Section 7(2) (i) of Bihar Apartment Ownership Act, 2006, Bye laws 15-16 of Bihar Building Byelaws, 2014 and Section 327 of Bihar Municipal Act, 2007, the Bench feels that there is an urgent need for passage of interim orders under Section 36 of the Real Estate (Regulation and Development) Act, 2016. Accordingly, the Bench restrains respondent no. 03 and 04 from deriving any pecuniary gains in form of monthly rent out of the lease agreement entered into with ICICI Bank for Bank branch/ ATM forthwith. ICICI Bank is directed to act accordingly.

The Bench also directs the administrative side of the Authority to make a detailed reference to the Commissioner, Patna Municipal Corporation to ascertain whether any completion / occupancy certificate has been issued to the two apartments on the ground floor of the project Meera Apartment (PRDA Sanction Plan Case No-P/Mainpura/PRN/5-470/07 dated 08/12/2008) while it is still incomplete even after nine years.

Let this order be communicated to respondent no. 01, company's email id: cadhanbad2012@gmail.com

Let a copy of this order be communicated to Branch Manager, ICICI Bank Ltd., Patliputra Colony Branch, Patna, Zonal Manager, Regional Headquarter, ICICI Bank Ltd., Sahdeo Mahto Marg, Patna, Bihar and its Corporate Office, Mumbai.

Let a copy of this order be communicated to Registrar of Companies, Patna for necessary action as per Companies Act, 2013 regarding M/s Ramsuyash Projects & Marketing Pvt. Ltd. (CIN U45200BR2007PTC013068) and to ascertain the contact address/numbers/email-ids of the Directors Mr. Ajay Kumar Singh, (DIN 02284858) and Mr. Manoj Borat (DIN 07381312).

OS has been directed to upload a copy of this order on the Authority's website.

Let the next date of hearing be fixed on 30/04/2019.

Sd
(R.B. Sinha)
Member

Sd
(S.K. Sinha)
Member