



REAL ESTATE REGULATORY AURHORITY, BIHAR

**Before the Single Bench of Mr. Ved Prakash,
Special Presiding Officer**

Case No: RERA/SM/225/2018

Authorized Representative of RERA ...Complainant

Versus

M/s. Chitra Homes Pvt. Ltd. ...Respondent

Project: Chitra Residency

Present: For Authority: Sri Ankit Kumar, Advocate.

For Respondent: Shri Mayank Rukhaiyar, Advocate.

26.09.2025

ORDER

1. The learned counsels of both parties are present.
2. The Real Estate Regulatory Authority, Bihar, issued a Suo Motu show-cause notice on 20.08.2018 to Sri Vikash Kumar, the Director of the respondent company for advertising the project Chita Residency in News Paper without prior registration with the Authority and thereby contravening provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. The promoter was directed to show cause as to why proceedings under Section 59 of the RERA Act 2016 may not be initiated against.
3. The learned counsel for the respondent by filing reply dated 25.04.2018/31.08.2018, submits that the respondent had already registered their ongoing project Al-falah Enclave with RERA, Bihar as registration No. BRERA000302-1/228/R-59/2018.
4. Learned counsel further submits that the construction of the project Chitra Residency was already completed prior to enforcement of RERA Act 2016 on 01.05.2017 and Notice of completion certificate dated 07.02.2016 also was issued by the promoter to the competent authority under the law of land in force at that time and first sale deed was also executed and registered on 09.11.2016. Therefore, the present project does not come under the jurisdiction of the RERA as it does not require RERA registration rather it comes under the provisions of Section 3(2) (b) of RERA Act 2016.

5. Learned counsel for the respondent further submits that in spite of objections by the learned counsel for the respondent on jurisdiction of the Authority in pursuance of the order dated 02.05.2019 passed by the RERA Bench comprising of Hon'ble Members Sri R.B. Sinha and Dr. S.K. Sinha, a three-member committee was constituted to inspect the status of the project "Chitra Residency" constructed by respondent and also to verify the authenticity of the completion certificate produced by the respondent. He further submits that the committee without information to respondent conducted a site visit in absence of the respondent/representative and submitted report which is not admissible in evidence. Hence respondent approached the Hon'ble High Court, Patna through CWJC No.12243/2019 against the initiation of the present *Suo Moto* case and Hon'ble Court disposed of the matter by order dated 14.01.2020 with an observation that before passing any final order, the respondent No.6 and 7 shall first deal with jurisdiction and applicability of the Act to the project of the respondent petitioners and shall also consider the objections of the petitioners with respect to report submitted by special Investigating Team .
6. The learned counsel for the Hon'ble Authority opposed the submissions of learned counsel for the respondents, but admits the disposal of aforesaid Writ by the Hon'ble High Court with above observations as well as execution of sale deeds by the respondent prior to enforcement of RERA Act and submissions of completion certificate and notice thereof.
7. Heard the learned counsels and perused the record. Admittedly the respondent had filed a CWJC No.12243/2019 before the Hon'ble Patna High Court, wherein they challenged the *Suo-Motu* proceedings initiated by RERA in Case No. RERA/SM/225/2018 concerning their project *Chitra Residency*, contending that the project had been completed prior to the enforcement RERA Act 2016 on 01.05.2017. The Hon'ble Court while disposing off the Writ has observed that the respondents 6 and 7 (RERA Authorities), shall first deal with the issue of jurisdiction and the applicability of RERA, Act to the project and also to consider the petitioners' objections of the respondent regarding report of the investigating team, and decide the matter expeditiously.
8. Further admittedly on 02.05.2019 the Bench of Hon'ble Members Sri R.B Sinha and Dr. S.K Sinha had constituted a committee to ascertain as to whether the project in question was completed prior to enforcement RERA Act 2016 and

certificate issued by Mukhia, village Kothawa was valid one? However, it appears from the record that the committee visited at site on 14.05.2019 without information to the respondent and conducted the inspection in the absence of the respondent/representative, as there is no notice and signature of the respondent /representative available on the record. The report of the committee may be considered in following manner:--

- (i) The committee has found that the project was consisting of G+4 with 32 flats,in which 16 flats were occupied and electric meter, lift etc. were installed. The committee has further found that some of the flats were incomplete and the allottees were not provided completion/occupancy certificate. However the committee has found that office copy of completion certificate, submitted by Architect of the respondent to the RERA, Bihar showed that there was signature of one Sri Jai Prakash Singh and seal of Mukhia, Kothwa was affixed, but it is said that it was not issued by Mukhia, Kothwa having jurisdiction to issue the same. It was further revealed by the committee that while meeting with MukhiaKothwa,Sri Ram Ashish Singh, he stated that he was/is in office for three terms and he doubted in issuance of certificate by Sri Jai Prakash Singh.
- (ii) The respondent has strongly protested and learned counsel for respondent by submitting copy of List of Mukhia's of villages of Block Danapur, District Patna submits that Sri Jai Praksah Singh was Mukhia of Kothwa Panchayat and present Mukhia Sri Ram Ashish Singh without proof has denied the legality of the Completion certificate, which is not correct in eye of law.

9. The learned counsel for the Respondents further submits that the project Chitra Residency was completed in 2016 as it will find support from the fact that the first sale deed was registered on 09.11.2016 and likewise other sale deeds on 17.02.2017 through deed No.769 and on 26.04.2017 through deed No3854 were executed and registered. The respondents once again reiterated completion of the project prior to 01.05.2017 in their reply dated 31.08.2018, and produced Notice of Completion dated 07.02.2016. The respondents relied on RERA Bihar's own communications dated

26.10.2018 and 28.12.2018 sent to UDHD Govt of Bihar , wherein it was clarified that projects completed prior to 01.05.2017 were not required RERA registration (Annexure F and G are attached to support the submissions).

10. Considering the submissions of the learned advocates of the parties and on perusal of the records, it appears that the promoter executed and registered first sale deed on 09.11.2016 followed by others before 01.05.2017 with respect to project Chitra Residency. Hence from all the corners, the completion certificate produced by the respondent with respect to the project Chitra Residency appears valid and acceptable as it may also be verified from the other evidences like sale deeds as well.

11. Since the promoter had already executed the first sale deed which was registered on 09.11.2016 prior to the enforcement of the Act, Hence, project falls under the provisions of Section 3 (2) (b) of RERA, Bihar. Accordingly, it is also established that the respondent has not violated the provisions of Section 3 of RERA Act 2016 with respect to the project Chitra Residency and RERA, Bihar has no jurisdiction to issue notice against the respondent promoter with respect to project in question. Hence the show cause notice issued under Section 59 RERA Act 2016 and the present case against the respondent promoter is dropped.

With these directions, the matter is disposed of.

Sd/-

**(Ved Prakash)
Special Presiding Officer
RERA Bihar**