

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR
RERA/CC/101/2025

Moti Lal **Complainant**

Vs

M/s Sri Anuanand Construction Pvt. Ltd. **Respondent**

Project: SAI ENCLAVE

Apperance: For the Complainant: Mr. Kuldeep Thakur, Advocate
For the Respondent: None

14.05.2026

ORDER

Heard Mr.Kuldeep Thakur, learned counsel for the complainant. However, despite issuance of repeated notices to the respondent and fixing this case for *ex parte* hearing, nobody appears for the respondent.

2. The complainant has filed this case to direct the respondent to hand over the physical possession of Flat No.501 (3 BHK), Bock-H on 5th floor, measuring super built-up area of 1500 sq.ft. in the project named “Sai Enclave” situated at Gulmohar Path, Mauza-Mustafapur, Sub-Division-Danapur, District-Patna and also to pay Rs.1,00,000/- towards litigation cost and Rs.2,00,000/- for causing mental agony and harassment to him and also to provide interest for non-rectification in deficiencies.

3. The complainant’s case, in short, is that the complainant and the respondent entered into an Agreement for Sale dated 22.08.2012, whereby and whereunder the respondent is obligated to hand over the peaceful possession of the flat concerned. The total consideration money was fixed at Rs.25,00,000/-, out of which the complainant had paid Rs.23,01,000/-. The project was to be completed within two years six months with a grace period of six months and the respondent was duty bound to hand over the possession of the same to the complainant, but even after lapse of 13 years, the respondent did not deliver the possession of the flat. The complainant on 03rd September, 2024 has written a

letter to the respondent for possession, but the same has been ignored by the respondent-Company.

4. After hearing learned counsel for the complainant and on perusal of the records, it appears that the Agreement for Sale was made on 22.08.2012 i.e., much prior to the enforcement of the RERA Act inasmuch as the complainant has not mentioned in his petition whether his case comes within the jurisdiction of the RERA Authority or not. He has neither given any detail of approval of the map by the competent authority nor registration in RERA nor it is a continuous project even after establishment of the RERA Act. In such a situation, this Court has no jurisdiction to pass any order in favour of the complainant. As such, this case is dismissed.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer
RERA, Bihar