

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR
 RERA/CC/ 262/2024

Uday Narayan Singh-----Complainant

Vs

S.D.M. Construction Pvt. Ltd.

----Respondent

Project: Mahadev Tower

07/05/2026

ORDER

This case has been filed seeking compensation to the tune of Rs. 35–40 crores on account of the booking/sale of the flat despite the interim stay order being in force. The respondent is further liable to pay compensation of Rs. 10 crores towards the damage caused to the complainant's social reputation and for the mental agony suffered by the complainant.

2. The complainant case in brief is that a Memorandum of Understanding, hereinafter called 'MoU' (Land Development Agreement) was executed on 22.12.2022 between the complainant and the respondent on 22.12.2012 for development of the land scheduled with the construction of multistoried commercial complex in the name and style of Mahadev Tower. According to that MoU 50% share of all constructed structure had to be handed over to the land owner and was to be completed within three years from the date of agreement with six months' extension as grace period. The agreement took place in the year 2012. Ram Pyari Devi

died in the year 2018 whose husband was predeceased. After the death of Ram Pyari Devi, the present complainant stating himself as her husband became the natural legal heir of deceased Ram Pyari Devi whose name has been recorded in the revenue record. As the respondent did not fulfil the terms of agreement, the complainant sent a legal notice to the respondent on 13.06.2023, but cognizance was not taken by the respondent. The promoter (respondent) failed to deliver the concerned flat for which a case bearing RERA/CC/375/2023 was filed before Real Estate Regulatory Authority and by order dated 10.10.2023, an interim order was passed by the Chairman saying that “meanwhile the respondent is directed not to make any fresh booking or agreement to sale or sell till the reply is filed. But the said interim order was continued till 30.01.2024. As Per Section 8 of the RERA Act, 2016, the registration of the project is lapsed and in such a situation, the respondent cannot be permitted to sell any flat or shop till the manner of completing the remaining development work. Despite the interim order dated 10.10.2023 passed by the Chairman, the respondent has not restrained himself from booking/selling the flats in Mahadev Towers and uptill now the respondent has booked/ sale the flats to the tune of Rs. 55 to 60 crores.

3. The respondent never appeared and as such this record proceeded *ex-parte*.

4. On perusal of the order dated 10.10.2023, it clearly shows that the said order was merely an interim order. Subsequently, the Full Bench of the Authority, vide its final order dated 24.04.2024, observed and advised the parties to approach the competent civil court for proper adjudication of the issues raised, holding that the matter could not be decided in a summary proceeding, as the Authority is empowered only to conduct enquiries in a summary manner. The RERA Authority itself has categorically held that it lacks jurisdiction in the matter. The said final order has not been challenged before any competent forum or Appellate Authority and has, therefore, attained finality.

5. In view of the aforesaid circumstances, the issue relating to compensation also cannot be adjudicated in a summary enquiry/trial. Accordingly, the same is dismissed with liberty to the parties to approach the competent civil court for appropriate reliefs in accordance with law.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar