

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR**

RERA/CC/317/2024

RERA/AO/93/2024

Vinod Kumar Pansari-----Complainant

v.

M/s Shristi Homes Pvt. Ltd. ----- Respondent

PROJECT:VAISHNAVI ENCLAVE

11/08/2026

ORDER

The complainant has filed this case to direct the respondent:(i) to complete the entire project with all amenities within a time frame, (ii) to pay the compensation of Rs. 1,80,000/- per month from 03.07.2022 till completion of the project, (iii) to pay the Government tax for the period of construction and land revenue tax, which has been paid by the complainant, (iv) to pay Rs. 5,00,000/- (Rs. Five Lakh only) for physical and mental harassment and (v) to pay the litigation cost of Rs. 10,000/- (Rs, Ten thousand only).

2. The complainant's case in brief is that the Development agreement was executed on 27.10.2016 between the parties for construction of a multistoried residential building as per the sanctioned building plan dated 03.10.2016 and as per the agreement it was to be completed giving opportunity of grace period up to 03.07.2022, but the project has not been completed. The complainant filed a complaint case bearing number RERA/CC/420/2022 and on 07.12.2023 an order was passed by the one Authority Member to provide the elder sitting zone, kids play zone in the side area, to create community space and yoga center on the terrace area, within 60 days of the issue of the order and the complainant was given liberty to press compensation claims before the Adjudicating Officer as per the provision of the RERA Act, 2016. It

was also ordered that the complainant is liable to get the compensation of Rs. 1,80,000/- per month from 03.07.2022 up to completion of the project and also taxes given to the Government and also other compensation.

3. The respondent appeared and filed objection regarding maintainability and prayed to dismiss the present case as it is not maintainable and the complainant had sold a flat prior to the completion of the project, and as such he is a co-promoter and the dispute between the promoter and co-promoter cannot be adjudicated under the RERA Act. It is thus prayed that the complainant does not come within the definition of allottee and he is a landowner/person having development share in the project. The complainant has already instituted a case on the same cause of action before the Hon'ble District Consumer Disputes Redressal Forum vide Case No. DC/195/CC/64/2025, which is pending for adjudication and as such it amounts to a clear violation of the doctrine of res sub judice under section 10 of the Code of Civil Procedure. The dispute between the promoter and a co-promoter are purely contractual and commercial in nature, arising from development agreements and sharing arrangements.

4. Heard Shri Pawan, learned counsel for the complainant and Shri Rahul Srivastava, learned counsel for the respondent. Perused the case record.

5. After hearing and perusal of the record, it appears that the complainant filed a case before the RERA Authority bearing number RERA/CC/420/ 2022 in which the Bench has ordered on 07.12.2023 to complete the temple as desired by the complainant, to provide the elder sitting zone and kids play zone in the side area, to create a community space and a Yoga Centre on the terrace area, within 60 days of the issue of this order. He was also given liberty to press other claims of compensation before the Adjudicating Officer as per the provision of the

RERA Act, 2016. The main objection of the respondent is that the complainant does not come within the meaning of allottee and as such he cannot be given any compensation. The Authority has given direction to the complainant to press for compensation matter before the Adjudicating Officer, after giving other remedies. So such type of objection before the Adjudicating Officer cannot be raised as the Authority has already passed the order against the respondent and that order is final. So far objection regarding filing case before the Consumer Court for same facts and grievance is concerned, that does not appear to be just and proper as at the time of filing this case before the Adjudicating Officer, he had not filed any case before the consumer court. So objection regarding false statement is not justified. So far, case filed before Consumer court is concerned, that was filed as Adjudicating Officer Court in RERA was vacant. Moreover, an application had been filed to withdraw the case before the consumer court.

6. Considering the aforesaid facts and circumstances the complainant has gone into mental and physical agony due to the act of the respondent and also suffered litigation cost. Thus, the respondent is directed to pay Rs. 3, 00,000/- (Rs. Three Lacs) for mental and physical agony and Rs. 10,000/- (Rs. Ten thousand only) for litigation cost to the complainant. The respondent is directed to pay the aforesaid amount within sixty days of the issue of this order. So far the other relief is concerned, that is the matter of RERA Authority and as such this court cannot grant any such relief.

7. With the aforesaid observations and directions, this case is disposed of.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar

