

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar**

RERA/CC/75/2025

Sanjai Nandan Sahai

.....Complainant

Vs

M/s Metro Construction

.....Respondent

Project: Sahai Shanti Residency

**Present: For Complainant: Mr. Digvijay Kumar Ojha, Advocate
For Respondent: Mr. Vishwash Vijeta, Advocate**

04/12/2025

PROCEEDING

Hearing taken up. Mr. Digvijay Kumar Ojha, learned counsel for the complainant is present. Mr. Vishwash Vijeta, learned counsel for the respondent is also present.

Learned counsel for the complainant submits that despite a joint development agreement executed between the complainant (as the landowner) and the respondent, the respondent is still illegally keeping two flats of the landowner's share and has not handed over the same to him. He also submits that on a frivolous ground of non-payment of GST regarding the registration of the flats, the same has not been executed as yet in favour of the landowner. He files a copy of the judgment dated 05.05.2025 passed by the Hon'ble High Court in C.W.J.C.No. 6700/2024 and also the order dated 07.02.2025 passed in RERA/Exe./134/2023, wherein it has been held that the payment of GST is the prime responsibility of the promoter and not the landowner as the landowner is transferring the entire right of the land for construction of the said project in favour of the promoter.

Learned counsel for the respondent submits that prima facie this case is not maintainable in this court as the landowner has sold the flats of his share prior to the completion certificate given by the competent authority in respect of this project. In such a case, as per the provisions laid in Regulation-6 of the Bihar RERA Regulations, 2021, the landowner becomes a co-promoter and this case is not maintainable as the complain now lies between a promoter and a co-promoter.

Learned counsel for the respondent is directed to file all relevant documents as evidences in favour of the statement being made by him. Learned counsel for the complainant is also requested to furnish his counter reply in the light of the averments made by the learned counsel for the respondent. Learned counsel for the respondent is also directed to submit a detailed reply as to why in violation of the joint development agreement he has not handed over the owner's share to him and is keeping two flats in his possession from 2022 onwards as claimed by the complainant.

Put up this case on 03.02.2026 for further hearing.

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar