

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/102/2024

Neelam Kumari

.....Complainant

Vs

M/s Jan Ekta Construction & Services India Ltd.

.....Respondent

Project: Sinha Complex

**Present: For Complainant: Mr. Jai Ram Singh, Advocate
For Respondent: Mr. Manoj Kumar, Advocate**

05/06/2025

PROCEEDING

Hearing taken up. Mr. Jai Ram Singh, learned counsel for the complainant is present. Mr. Manoj Kumar, learned counsel for the respondent is also present.

Learned counsel for the complainant submits that a total number of nine flats have been constructed in the said project and it was not completed till the date of enforcement of Real Estate (Regulation and Development) Act, 2016, hence the provisions of Section 3 of the RERA Act applies to this project but the same has been violated by the respondent and hence, necessary action be initiated against him.

Learned counsel for the respondent submits that the area of the said project is only 300 sq.m. However, he admits that a total of nine flats are there in the said project. He also shows a copy of sanctioned map which was sanctioned on 14.11.2011 and bears Plan Case No. FF/ABP/PPOR.RES/Gt3PAT-466/3687.

A perusal of the said sanctioned map makes it clear that the said property was being developed by Smt. Pramila Devi, W/o Late Bipin Bihari Sinha, Mauza Rasidachak, Thana Alamganj, Khata No.154, Tauzi No.175, Plot No.212(part). The total plot area is 299.80 sq.m. A perusal of front elevation of the said map makes it clear that the said project was proposed to be developed in three floors, each floor having three flats, thus comprising of a total of nine flats. It is therefore clear that the provisions of RERA Act, 2016 shall apply in this project.

Learned counsel for the complainant submits that the complainant had executed a registered agreement for sale with the concerned promoter (respondent) in the year 2013. He submits that the respondent was to handover possession of the said flat in the year 2015, but he did not do so and also never asked for any instalment amount from the complainant.

Learned counsel for the respondent submits that it was the complainant who violated the terms of the agreement because she failed to make timely

payment of the due instalment amount as per the conditions laid in the agreement and therefore, she is not liable for possession of the said flat at the amount which was agreed upon at the time of sale. In reply, learned counsel for the complainant further claims that since the construction of the project was not initiated during first three years, hence payment was not done by the complainant.

Learned counsel for the respondent submits that the complainant is debarred as per the provisions contained in the law of limitation which prevents filing of any case after a lapse of three years from the date of agreement.

The Registration Wing is directed to verify the details of the project and initiate necessary legal action in case a violation/ contravention of the provisions of RERA Act, 2016 is established

Put up on 15.07.2025 for further hearing.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar