

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding Officer

Mr. Ved Prakash, RERA, Bihar

RERA/SM/ 238/2018

Authorized Representative of RERA Complainant

Vs

M/s Phenomenal Projects (P) Ltd.

....Respondent

Project: N.G. Town

For the Complainant/s : Shri Ankit Kumar, Legal representative

For the Respondent/s : Shri Akash Deep, Adv.

05/06/2025

PROCEEDING

Shri Ankit Kumar, learned Legal Representative on behalf of the Authority/ complainant and learned counsel Shri Akash Deep on behalf of the respondent/promoter are present.

Learned counsel on behalf of the respondent submits that the respondent has filed CWJC No. 20303/2021 before the Hon'ble High Court against the order passed by the Authority in the present case so the proceeding of this case may be stayed.

On another hand, the learned Legal Representative of the Authority submits that in spite repeated directions neither the respondent has brought stay order nor has complied the order of the Hon'ble Authority in light of section 59(1) of RERA Act, 2016. Thereafter, the proceeding under section 59(2) of RERA Act for further imposition of penalty against the respondent/ promoter has to be initiated.

Learned Legal Representative further submits that the complaint petition for non-compliance of the order of the Authority passed under section 59(1) of RERA Act, 2016 has been filed before the learned C.J.M., Patna and cognizance therein is also taken by the learned court, but in spite of notice the respondent/ promoter has not taken pain to appear to defend his case, hence he

may be permitted to file evidence for imposition of penalty under section 59(2) of the RERA Act.

Considering the submission as well as going through the record, it appears that the respondent has not complied the order dated 08.07.2019 passed by the Hon'ble Member of the Authority in RERA/SM/238/2018 and has also not taken pain to bring stay order against the said order. Thereafter, the Authority being compelled has filed complaint case before the learned C.J.M., Patna against the promoter under section 59(2) of RERA Act and the learned Legal Representative is permitted to file evidence, if any, under the provisions of section 59(2) of RERA Act, 2016 for imposition of further penalty against the promoter.

Put up on 26.06.2025 for further hearing.

Sd/-
(Ved Prakash)
Special Presiding Officer
RERA, Bihar