REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer,

RERA/Revocation/19/2024

Authorised Representative of RERA …….Authority/Complainant

Vs

M/s Alpha Infrastructure ……Respondent

PROJECT: GULMOHAR ENCLAVE

For the Complainant: Mr. Ankit Kumar, Legal Representative

For the Respondent: Mr. Dheeraj Kumar Roy & Mr. Nawnit Kumar Tiwari, Advocates

10.08.2026 **PROCEEDING**

Shri Ankit Kumar, learned Legal Representative on behalf of the Authority, and learned Counsels Shri Dheeraj Kumar Roy and Shri Nawnit Kumar Tiwari on behalf of the Respondent are present.

Learned Counsel for the Respondent files a reply after supplying a copy to the learned Legal Representative on behalf of the Authority. Keep it on record.

Learned Counsel for the Respondent submits that there are altogether 19 flats, out of which 10 are allotted to the promoter and 8 to the landowner, and 1

is joint. And the landowner has authorized to sell the flats. As such, altogether the promoter has sold 10 flats and 1 flat which is joint is yet to be sold.

He further submits that the promoter has executed a sale deed with respect to the 4 flats out of his share of 10 flats, and he has executed an agreement for sale with respect to the remaining 6 flats.

He further submits that the bank has provided a loan for the construction of the building. He further submits that the building is almost completed and the promoter respondent is filing regular QPRs, and the building is likely to be completed within 15 to 20 days.

Learned Counsel for the Respondent further submits that there is no violation from the side of the Respondent Promoter.

He further submits that LPC and rent receipts were issued in the name of landowner Dineshwar Yadav at the time of RERA registration, and on the same basis, the development agreement between the landowner and promoter was executed.

He further submits that since the execution of the development agreement till the issuing of the show cause notice for revocation, the name of Smt. Asha Devi is not entered in any record.

He further submits that landowner Dineshwar Yadav has challenged the order dated 17.04.2025 passed by the Hon’ble BLT in BLT Case No. 169/2024

through CWJC No. 7258/2025 before the Hon'ble High Court, Patna. Hence, the Respondent Promoter has neither committed fraud nor are the provisions of Section 7(1) of the RERA Act attracted.

He further submits that there is a land dispute between Asha Devi and Dineshwar Prasad Yadav wherein the Respondent Promoter is not involved. If the registration of the project is revoked, there will be irreparable loss to the allottees, and the case has been filed by Asha Devi only to create pressure on the promoter. Hence, the revocation notice may be dropped.

On the other hand, the learned Legal Representative on behalf of the Authority submits that the stay on sale granted by the Authority/Bench on 09.07.2026 with respect to the project Gulmohar Enclave has to be continued.

He further submits that the status of the record shows that the name of Asha Devi is coming on the project land as landowner, and the name of the present landowner Dineshwar Yadav is not shown on the record. Hence, notice may be issued to the landowner of the project, namely Dineshwar Yadav.

Considering the submissions as well as going through the records, it appears that there is a dispute between one Asha Devi and landowner Dineshwar Yadav with respect to the project land. The Hon'ble BLT on 17.04.2025 has been pleased to pass an order in BLT Case No. 169/2024 wherein the impugned order passed by the learned DCLR in Mutation Appeal No. 13/2022-23 dated 06.06.2022 and the order dated 22.11.2023 passed by the Additional Collector in

Mutation Revision No. 152/2022-23 were set aside. The Hon'ble Tribunal further passed an order in the same case and confirmed the order passed by the learned Circle Officer in Mutation Case No. 8148/2021-22 dated 03.02.2022. And the learned Tribunal has further set aside the subsequent mutation order passed by the learned CO in favour of Opposite Party No. 2, Dineshwar Yadav, in Mutation Case No. 21319/R27/2022-23 dated 24.09.2022. Later on, Dineshwar Yadav has preferred CWJC No. 7258/2025.In such view of the matter, it is Dineshwar Yadav who may be allowed to place his matter before the Bench/Authority in a proper manner. Hence, issue notice to landowner Dineshwar Yadav to appear and file a reply, if any.

The stay of order dated 09.07.2026 granted by this Bench/Authority shall continue till further orders of this Bench.

Put up on 03.09.2026 for hearing.

Sd/-

(Ved Prakash)

Special Presiding Officer