

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Conciliation Forum, RERA, Bihar**

**RERA/CC/223/2024**

**Poonam Sharan**

**.....Complainant**

**Vs**

**M/s Nesh India Infrastructure Pvt. Ltd.**

**.....Respondent**

**Project: Tiruvantpuram Vidyut Nagar Mahamaya Complex**

**Present: For Complainant: Mr. Nitish Kumar, Son-in-law**

**For Respondent: Mr. Sahil Kumar, Advocate**

**14/08/2024**

**PROCEEDING**

Mr. Nitish Kumar, Son-in-law of the complainant and Mr. Sahil Kumar, learned counsel on behalf of the respondent are present.

Son-in-law of the complainant submits that a development agreement between the landowner Smt. Poonam Sharan cum complainant and the promoter was executed on 25.05.2017 to construct a multi-storied building but the respondent failed to construct the building and deliver possession of the share of flats to the complainant

On the other hand, learned counsel for the respondent by filing preliminary objection submits that the land bearing Thana No. 40, Touzi No. 5619, Khata No. 159, Survey Plot No. 283, Society Plot No.M/18 is Gairmazarua Aam and a letter No.3370 dated 14.07.2022 has been received from the C.O., Danapur to Sub-Registrar, Danapur, Patna to start registry of the said property of the above aplots situated in the mauza as the said land is Gairmazarua Aam and Caserehind. He further submits that taking into account the letter of the C.O., Danapur, the respondent has issued a letter dated 25.04.2023 to the complainant to cancel the development agreement dated 17.05.2017 executed between both the parties which is put on record. Hence, since the land is Gairmazarua Aam and Caserehind, no construction can be done by the respondent and as such, no delivery of share of flats to the complainant is possible.

Considering the rival submissions of the parties there is a question of maintainability of the present complaint case and as such, the conciliation fails and the record is referred to the Hon'ble Authority for deciding on merit.

**Sd/-**

**(Ved Prakash)**

Senior Legal Consultant,

RERA, Bihar