

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,
Special Presiding Officer, RERA, Bihar

RERA/CC/89/2024

Shri Dilip Kumar Complainant

Vs.

M/s Jagat Home & Resorts Pvt. Ltd. Respondent

PROJECT: J.B.MALL

For the Complainant: Mr. Kishore Kunal, Advocate

For the Respondent : Mr. Sumit Kumar, Advocate

22.08.2025

PROCEEDING

Learned counsel Mr. Kishore Kunal on behalf of the complainant and learned counsel Mr. Sumit Kumar on behalf of the respondent are present.

Learned counsel for the complainant files reply petition against the maintainability petition filed by the respondent after supply of its copy to learned lawyer of the respondent. Keep it on record. He further files interim stay petition along with photo copy of documents after supply of its copy to learned lawyer of the respondent. Keep it also on record.

Learned counsel for the complainant submits that the respondent – promoter has claimed that he has executed share distribution agreement with the complainant but in reality no such agreement has been executed as yet as the complainant has never signed or consented to any share distribution/demarcation of units in the project. He further submits that the respondent - promoter in blatant violation of Rule 3 (f) of the Bihar Real Estate (Regulation & Development) Rules, 2017 has proceeded with registration without obtaining consent of the complainant. He also submits that the respondent on 23.11.2022 had illegally sold certain units in the project without share distribution/demarcation with the landowner – complainant. He further submits that such sale of units is wholly unauthorized and amount to clear violation of provision of

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the RERA Act, 2016. Further, unless restrained by the Bench/Authority, the respondent may continue to sell, transfer or create third party interest in the project which will cause irreparable loss to the complainant and it will also invite multiplicity of litigations. Hence, the respondent may be restrained to further transfer/sell, alienation or creation of third party interest with respect to the units of the project in question during the pendency of the present case. On another hand learned counsel for the respondent submits that the project is lapsed one and the respondent is not going to transfer/alienate units of the project in favour of any one.

Considering the submission as well as going through the record, it appears that the project J.B. Mall was registered with the Authority on 27.12.2021 and the registration was valid till 30.04.2023. It further appears that neither the respondent has got extended the registration period nor filed any petition in this respect. Hence, the project is presently lapsed one and the power to carry on construction and transfer of units of the project in favour of anyone has become ceased and the respondent cannot and should not transfer the same unless and until registration of the project is extended by the Hon'ble Authority. So, the respondent – promoter or his representative under the provision of Section 36 of the RERA Act, 2016 is restrained to transfer, sale, alienate and create of third party interest in the project till further order of the Bench/Authority. Communicate this order to the District Sub-Registrar, Patna/Sub-Registrar, Danapur, for its strict compliance through the I.G. Registration, Bihar, Patna.

Put up on 10.10.2025 for further hearing.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.