**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Exe. Case No. 209/2023**

**RERA/CC/1205/2021**

**Ram Niwas Tiwary ……Complainant/ Executant**

**Vs**

**M/s Ezzion Construction Pvt. Ltd. …..Respondent**

**Project: Ramaggya Residency**

**Present: For Complainant: Mr. Rajesh Kumar Sharma, Advocate**
**For Respondent: Mr. Shiv Shankar Dubey, Advocate**

**11/09/2026** **PROCEEDING**

Hearing taken up. Mr. Rajesh Kumar Sharma, learned counsel for the complainant/ executant is present. Mr. Shiv Shankar Dubey, learned counsel for the respondent is also present.

Learned counsel for the complainant/ executant submits that in compliance with the earlier order given by the Bench on 24.07.2026 the respondent has acted positively and has made many rectifications in faulty construction but still a few work remains pending which requires immediate attention by the respondent. He further submits that the respondent has failed to provide separate sewage and waste water has been connected to a single septic tank which has led to regular water logging of dirty water. He further submits that the rain water outlet pipes have not been installed resulting in rain water dripping on the walls of the building and also leading to accumulation of rain water in the parking area. He also submits that boundary wall has not been plastered from the outside and the floor undulation still exists in the parking area. He also submits that the Association of Allottees has not yet been formed by the respondent.

Learned counsel for the respondent submits that despite the fact that the Managing Director of the respondent company Md. Ejaj Hussain is absconding from the scene, the present respondent Mr. Kumod Kumar, who has already resigned from the post of Director of the respondent company, is still rectifying the deficiencies out of his own pocket expenses and personal resources. He also submits that a number of work which was earlier mentioned as deficiencies in the project concerned have already been rectified which are outlined as follows:

(i) The fire-fighting system has been rectified and is now completed.

(ii) The plaster of the boundary wall has been undertaken and completed to the extent where access was possible. He further submits that only that part of the exterior wall has been left unplastered where access was not available owing to obstruction caused by the concerned landowner.

(iii) Emergency staircase railing has been completed.
(iv) Flooring of the parking area in the basement so as to ensure easy movement of the vehicles has been completed.
(v) Lift has already been installed. The basement drainage and rain water outlet pipes have been installed.
(vi) He further submits that the allegation regarding septic tank and sanitation deficiency is denied because sewage pipe leakage is because it lacks proper cleaning which is basically the responsibility of allottees of the said project.
(vii) He also submits that in compliance with the direction of the Bench, the Association of Allottees has been formed and the respondent is ready to handover the possession of the entire common area along with electric meter etc. to the Association of Allottees but because of non-cooperation of the landowner, who has declined to sign on the same, the respondent requests for a direction to the landowner and other allottees to provide necessary cooperation in this regard and take over the possession of the common area.

Learned counsel for the respondent further submits that despite the hindrance caused by the landowner to the respondent in undertaking the work, the respondent has complied with the direction of the court. He has furnished a detailed notes of argument on behalf of the respondent requesting that since the compliance of all the directions have been made, hence the matter be closed accordingly.

On perusal of the record and hearing the submissions, the Bench observes that the respondent has taken several positive steps towards rectification of the fault detected in the construction and other deficiencies pertaining to the project. The Bench further observes that there are a few deficiencies which still persist as is obvious by a perusal of the photographs submitted by the learned counsel for the complainant which requires immediate attention at the level of the respondent and the allottees including the complainant:-

(i) The outlet pipes for the rain water drainage need to be installed so as to ensure proper drainage of rain water and thus, avoid water logging in the said area- compliance by the resopndent .
(ii) The drainage water and septic tank should be taken care of under the guidance of an Engineer in accordance with the sanctioned plan- compliance by the respondent.
(iii) The respondent is directed to serve a copy of formation of Association of Allottees to all the respective allottees and landowner mentioning about the formation of the same.
(iv) It is made clear that once the said notice is served on all the allottees concerned along with the landowner, it shall be presumed that the allottees as well as the landowner are in knowledge of the same and accordingly, they should take charge of the maintenance of the said project as members of the

Association of Allottees- compliance by the allottees including complainant.

(v) The respondent is also directed to handover the common area with all the relevant documents and keys of amenities to the Secretary/ President of the Association of Allottees formed by the respondent. The office bearers of the Allottees Association formed by the respondent are directed to take charge of the above.

The Bench observes that because of hindrance caused by the landowner concerned, one side of the wall could not be plastered. In such a case, the allottees of the project including the complainant are directed to provide all help and support to the respondent to meet the hindrance so that the plastering of the boundary wall is completed without any obstruction/ hindrance.

The respondent is given a time of 45 days for getting the above work completed and he is directed accordingly to submit a compliance report before the next date of hearing.

Put up this case on 06.11.2026 for further hearing.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner.
RERA, Bihar