REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

Exe. Case No. 327/2024
RERA/CC/420/2022

Binod Kumar Pansari ----------Complainant/ Executant(s)
VS
M/s Shristi Homes Pvt. Ltd.------ ----------Respondent

PROJECT – VAISHNAVI ENCLAVE

For the Executant: Mr. Pawan Kumar, Adv.
For the Respondent: Mr. Rahul Srivastava, Adv.

14/09/2026 **P R O C E E D I N G**

Learned counsel Mr. Pawan Kumar on behalf of Executant and learned counsel Mr. Rahul Srivastava on behalf of the respondent- promoter, are present.

2. Learned counsel on behalf of the Executant by filing a petition, submits that the complainant- Binod Kumar Pansari is one of the land owners of the project namely Vaishnavi Enclave, Darbhanga and the respondent is promoter. Further, the Hon'ble Authority has passed order dated 07.12.2023 in RERA/CC/420/2023 and has directed to the respondent regarding completion of pending works and compliance with statutory obligations. He further submits that due to non-compliance of the said order, the Executant has filed the present Execution case but the respondent has failed to make compliance even on repeated directions by the Bench/ Authority. He further submits that the respondent is wilfully, intentionally and deliberately making disobedience and flouting

the orders of the Bench/ Authority. He further submits that the respondent with frivolous, shifting and unsubstantiated excuses purely aimed at stalling the execution proceedings and evading accountability. He further submits that the respondent has not completed the project and has also failed to obtain completion/ occupancy certificate from the competent Authority in spite of statutory obligations on him to complete the project along with completion/ occupancy certificates. In absence of these certificates the building cannot be treated as completed and the promoter cannot be discharged from his obligations.

3. The learned counsel for the Executant further submits that the Hon'ble Supreme Court in Exotica Residents Association v. Parsvnath Developers Ltd. (2026) has observed that homebuyers cannot be forced to accept the keys or possession of a property in the absence of an occupancy/ completion certificate and further the same was emphasised in (2024 INSC 667 Dharmendra Sharma v. Agra Developer Authority). Hence, the respondent promoter may be directed to complete the project and handover the completion/ occupancy certificate to the Executant.

4. On another hand, the learned counsel for respondent by filing affidavit on behalf of the respondent submits that respondent is always ready to complete the building and as per direction of this Bench/ Authority dated 23.06.2026, the respondent was ready to repair the boundary wall, construct Yoga Centre in accordance with the Bihar Building Bye-laws, 2014 and also to provide the amenities in terms of the earlier order passed by this Bench. He further submits that the

respondent has already undertaken and substantially completed the work relating to the boundary wall as the same was damaged due to cutting/ removal of the tree. He further submits that the respondent has also accepted regarding the direction of construction of the Yoga Centre on the terrace and in good faith, has commenced the said work. He further submits that the respondent has brought construction material to the site and has started construction of the Yoga Centre by undertaking brick masonry work. He further submits by annexing photographs that the respondent has taken actual and bona fide steps towards compliance of the order and has neither avoided nor neglected the directions of this Hon'ble Authority. He further submits that the respondent cannot physically complete the same as authorised workers are not permitted to enter into the premises by the allottees of the building. He further submits that despite the respondent's willingness to complete the work, the complainant and/or the persons acting on behalf of the apartment owners are insisting upon a series of additional works and demands which are neither specifically directed by the operative order nor form part of the brochure/ development obligations, and the respondent's workers were consequently not permitted to carry out the work.

5. Learned counsel for the respondent further submits that as per order dated 07.12.2023 neither the community space was mentioned in the brochure nor in the development agreement, thus, the respondent cannot be compelled to undertake works which do not form part of the operative directions or the contractual/ brochure obligations. Learned counsel further

submits that this Bench/ Authority has directed to the respondents to pay Rs. 20,000/- (Rs. Twenty thousand only) to the complainant towards the cost of cutting of trees, which was paid by the respondent in good faith and with a bona fide intention to comply with the directions of the Authority, but at present the respondent is prevented from completing the work on account of objection being raised by the complainant and other flat owners. The respondent is, therefore, suffering unnecessary financial loss and hardship despite its continuous readiness and willingness to comply the order and the delay in completion of the Yoga Centre is solely attributable to the obstruction being created at the site and not due to default on the part of the respondent.

6. He further submits that the execution proceedings are not to be kept pending indefinitely on account of demands for works which are beyond the operative part of order and/or the agreed contractual obligations, particularly when the respondent has already completed the work within its control and has commenced the remaining work.

7. The learned counsel for the respondent further submits that the respondent company undertake that if necessary permission and access are provided by the complainant and the apartment owners, the respondent shall complete the remaining construction of the Yoga Centre in accordance with the Bihar Building Bye-laws, 2014 and as per direction of this Bench/ Authority, without unnecessary delay.

8. Considering the submissions advanced on behalf of both the parties as well as going through the record it appears that the Hon'ble Authority has directed on 07.12.2023 to the respondents to complete the temple as desired by the complainant and that mentions in brochure, to provide the elder sitting zone and kids play zone in the side area, to create a community space and a yoga centre on the terrace area and further the Bench has directed the complainant landowner to vacate all the open areas in the ground floor for all the zonal activities and amenities to be provided.

9. The learned counsel for respondent submits that Respondent was/is always ready to comply the order passed by the Hon'ble Authority and the learned counsel on behalf of the respondent has handed over Rs. 20,000/- (Rs. Twenty thousand) to the complainant/ executant on 21.04.2026 as per order dated 15.09.2025 passed by this Bench. Secondly, the respondent was directed by the Bench to hand over CC/OC with respect to the project Vaishnavi Enclave, which has yet to be handed over as the project is still incomplete in the eyes of law mentioned in Bihar Building Bye-laws, 2014. Thirdly, the respondent was directed to construct and complete the Yoga Centre as per Bye-laws and as assured the respondent has engaged labourers and damped raw materials for construction purposes but hindrance was created by the landowners as well as allottees of the building, which is not justified in any law as the respondent has to comply the order passed by the Hon'ble Authority, which cannot be completed unless and until the respondent is allowed to enter into premises.

10. Learned counsel for the complainant/ Executant very frankly submits that no obstruction is being done by the Executant with respect to the completion of the building but there may be someone, who may have obstructed to the respondent and his labours.

11. Taking into seriousness of the matter, S.S.P., Darbhanga is requested to provide sufficient force at the project site, so that the building as per direction of the Hon'ble Member of the Authority may be completed and no one may have courage to interfere in the completion of the building, which is being completed as per Bihar Building Bye-laws, 2014. The respondent is also directed to complete the building as per Bye laws at earliest, preferably till next date and the complainant/Executant is directed to provide all required precautions to the respondent to complete the building.

12. Let this order be communicated to the S.S.P., Darbhanga for strict compliance.

13. Put up this matter on 12.10.2026 for further hearing.

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar