

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh
& Hon'ble Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar,**

RERA/CC/368/2022, 639/2022, 391/2022, 269/2024 & 260/2023

Mrs. Binita Kumari, Deepak Kumar, Shailendra Kumar Yadav,
Vivekanand and Rajesh Kishore Shrivastav & Rajana Shrivastav.....

Complainants

Vs.

M/s Anuanand Construction Pvt. Ltd..... Respondent

Project:–SAI ENCLAVE “BLOCK-I”

PROCEEDING

31.07.2024 Hearing taken up. Mr. Abhishek Kumar, brother, appears for the complainant Mrs. Binita Kumar, Deepak Kumar appears in person, Mr. Ishtiyaque Hussain, Advocate, appears for the complainant Mr. Vishwas Vijeta, Advocate, appears for the complainant Vivekanand and no one appears for Rajesh Kishore Shrivastava & Rajana Shrivastav. Mr. Mohit Raj, Advocate, appears for the respondent without Vakalatnama. He assures that Vakalatnama would be filed within two days. Office is directed to obtain and place on the record.

Mr. Abhishek Kumar, President of the allottees' Association and Mr. Deepak Kumar, Secretary of the allottees' Association, submits that an Association of twenty allottees has been formed and they would complete the remaining work of the project.

Mr. Vishwas Vijeta, Advocate, appears for the complainant Vivekanand submits that his client has not been added to the allottees' Association, to which the President of the Association, submits that since name of Vivekanand is not mentioned in the original list, his name was not considered. He

further submits that the respondent allotted the flat to the complainant of another allottee and his client status requires to be cleared as to where his position stands, to which the Authority directs the respondent to give written submission on affidavit annexing list of allottees as on date. If there is any change in the original list, the respondent would give reason along with explanation, to which he submits that he is not in a position to give complete list as on date. However, he is directed to give reason for non-appearance of the name of Vivekanand, who is said to be allottee of Flat no.206.

Mr. Ishtiyaque Hussain, Advocate, submits that the client is the landowner and, therefore, he would not contribute to the development work to be carried out by the allottees' Association. The entire estimated cost should be borne by the allottees' Association, otherwise he would prefer the respondent – promoter to complete the remaining work of the project.

Learned counsel for the respondent submits that the allottees' Association is not registered entity and it requires to be registered. They are not able to complete the project because they would not be able to meet financial expenses to be incurred in completion of the project. He further submits that the respondent – promoter is ready to sit with the complainants in order to negotiate and settle all the issues, to which the allottees's Association submits that they are not agreed with the respondent's proposal to complete the project by them seeing their past conduct.

The allottees' Association is directed to get the project evaluated by the Technical expert and would indicate how would they meet the expense. They are directed to file written submission on affidavit along with sanctioned map mentioning the aforesaid information within two weeks with a copy to respondent – promoter's counsel on his mail as the official mail, as submitted, is not functional, Mr. Ishtiyaque Hussain, Advocate,

counsel for the complainant Mr. Shailendra Kumar Yadav and Mr. Vishwas Vijeta, Advocate, counsel for complainant Vivekanand. Learned counsel Mr. Ishtiyaque Hussain, Advocate, appearing for the complainant Shailendra Kumar Yadav would file reply within two weeks and the respondent's counsel would file counter reply within three weeks from the date of service of the written submission.

Put up for hearing on 11.09.2024.

Sd/-	Sd/-	Sd/-
S.D. Jha	Nupur Banerjee	Vivek Kumar Singh
Member	Member	Chairman