REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/259/2025

Dhananjay Kumar Singh …...Complainant

Vs

M/s Smart Choice Homes Pvt. Ltd. ……Respondent

Project: Radhe Enclave

Present: For Complainant: Mr. Sumit Kumar, Advocate
For Respondent: Mr. Bishwash Vijeta, Advocate

29/07/2026 **PROCEEDING**

Hearing taken up. Mr. Sumit Kumar, learned counsel for the complainant is present. Mr. Bishwash Vijeta, learned counsel for the respondent is also present.

Learned counsel for the complainant reiterates his earlier statement and submits that he has the revenue receipt in his favour and in spite of the direction of status quo remaining in vogue in the impugned land parcel from the year 1998, the present construction is being done which is a violation of the above said order.

Learned counsel for the respondent denies the averments made by the learned counsel for the complainant submitting therein that Jamabandi of the said land is in favour of the landowner, who has entered into a development agreement with the respondent- promoter and the promoter has also obtained the Non-Encumbrance Certificate for the same. He also submits that the Jamabandi of the project land still continues to be in the name of the landowner concerned with whom he has entered into a development agreement. As regard the status quo order over the impugned land is concerned, he submits that the status quo was not only imposed over this land but was imposed on a large area comprising of several land parcels and no objection for any quarter has been raised regarding the same. He also submits that even the present complainant after gaining knowledge about the registration of the said project in the name of the respondent has never approached the learned Civil Court for any injunction and till date has not obtained any order of injunction regarding the impugned land.

Learned counsel for the complainant when enquired as to whether he has any injunction order in his favour by the learned Civil Court restricting the construction of the impugned project, he submits that at present he does not possess any such injunction order passed by the learned Civil Court.

Learned counsel appearing for the Authority submits that he has verified the details of the project registered by the Authority in favour of the respondent and has found that the Jamabandi of the project land persists in the name of the landowner concerned with whom the respondent has entered into the

development agreement. He also submits that the interests of many homebuyers have already been created in the present project and as such, in the absence of any cogent/ concrete evidence it would not be proper to deprive the homebuyers from their genuine right to shelter for which they have invested their hard earned money.

Hearing the submissions of learned counsel for all the parties, this Bench directs the learned counsels for the complainant, respondent and the Authority to file written notes of argument on their behalf with concrete evidences in their favour for proper appreciation of this matter on the basis of which this Bench shall proceed for taking a final decision.

Put up this case on 16.09.2026 for further hearing.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar