

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S.D. Jha, RERA, Bihar,

RERA/CC/307/2023

Mr. Sujeet Kumar Complainant

Vs.

M/s R.D. ECO Developers Pvt. Ltd. Respondent

For the complainant: In person

For the Respondent: Mr. Sumit Kumar, Advocate

Project:—RAM SWAROOP APARTMENT

PROCEEDING

17.09.2024 Hearing taken up. The complainant appears in person. Mr. Sumit Kumar, Advocate, appears for the respondent.

The complainant submits that in compliance of the proceeding dated 04.09.2024 he has filed screen shots of WhatsApp chat details in support of making cash payment of Rs.10,00,000/- to the respondent.

Learned counsel for the respondent submits that today he is filing rejoinder and wants to hand over its copy to the complainant but he is willing to accept the same through mail, to which the Authority directs the respondent's counsel to send the same through mail. He further submits that the papers filed by the complainant are screen shots of WhatsApp chat details having no certification. The same are not admissible evidence to be considered in the court of law as the Hon'ble Delhi High Court in **Dell International Services Private Ltd. Vs. Adeel Firoze, 2024 SCC Online Del 4576**, has held that WhatsApp chat is inadmissible evidence without proper certification. He also submits that the chat details do not establish that the complainant made cash payment of Rs.10,00,000/- to the respondent. On query, he submits that the *suo motu* proceeding initiated against the respondent is pending and he requests that the same may be clubbed with this case, to which the Authority directs that the record of the *suo motu* proceeding initiated against the respondent be clubbed with this case.

After considering the aforesaid facts, it is felt that it would be appropriate to transfer this complainant to the Full Bench and, accordingly, this case is transferred to the Full Bench.

**S.D. Jha,
Member**