



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Hon'ble Chairman Mr. Vivek Kumar Singh, RERA,
Bihar.

RERA/CC/310/2023

Manoj Kumar Rauth Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & othersRespondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With

RERA/CC/311/2023

Mahesh Kumar Choudhary Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & othersRespondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With

RERA/CC/312/2023

Vikas Kumar Tiwary Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & othersRespondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With

RERA/CC/313/2023

Sanjay Kumar Sharan Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & othersRespondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With

RERA/CC/314/2023

Shashikant Niranjana Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & othersRespondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With
RERA/CC/315/2023
Himanshu Pathak Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & others Respondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With
RERA/CC/317/2023
Rakesh Kumar Verma Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & others Respondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With
RERA/CC/318/2023
Sanjay Kumar Sinha Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & others Respondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With
RERA/CC/319/2023
Kumari Ranjani Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & others Respondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With
RERA/CC/320/2023
Vijay Kumar Complainant
Vs
M/s Aastik Buildcon Pvt. Ltd & others Respondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

With
RERA/CC/322/2023
Kundan Kumar Singh Complainant

Vs
M/s Aastik Buildcon Pvt. Ltd & others

....Respondents

Project: **SAI AMRITA ENCLAVE, BLOCK-B**

Present: For Complainants: Mr. Punit Kumar, Advocate
For Respondent: None

18.07.2025

PROCEEDING

1. Hearing taken up. Learned counsel Mr. Punit Kumar appears on behalf of all the complainants in eleven analogous cases in the instant proceedings. Nobody appears on behalf of the respondents.
2. The matter has been clubbed with other ten analogous cases pertaining to the lapsed project, the details of which are mentioned below:-

Sl. No.	Case Nos.	Names of the parties	Project
1	RERA/CC/310/2023	Manoj Kumar Rauth Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
2	RERA/CC/311/2023	Mahesh Kumar Choudhary Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
3	RERA/CC/312/2023	Vikas Kumar Tiwari Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
4	RERA/CC/313/2023	Sanjay Kumar Sharan Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
5	RERA/CC/314/2023	Shashikant Niranjana Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
6	RERA/CC/315/2023	Himanshu Pathak Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
7	RERA/CC/317/2023	Rakesh Kumar Verma Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
8	RERA/CC/318/2023	Sanjay Kumar Sinha Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
9	RERA/CC/319/2023	Kumari Ranjani Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B

10	RERA/CC/320/2023	Vijay Kumar Vs. M/s Aastik Buildcon Pvt. Ltd.	Sai Amrita Enclave, Block-B
11	RERA/CC/322/2023	Kundan Kumar Singh Vs. M/s Aastik Buildcon Pvt. Ltd	Sai Amrita Enclave, Block-B

3. The provisions with regard to the lapsed project are laid down in Section 8 of the Bihar Real Estate (Regulation and Development) Act, 2016 which is quoted below:-

“Obligation of Authority consequent upon lapse of or on revocation of registration- Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority:

Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act:

Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works.”

4. With regard to the association of allottees, the provisions are laid down in Sections 11(4) (e) and 11(4) (f) of the RERA Act. While Section 11(4)(f) read with Section 17 of the RERA Act deals with transfer of title, Section 11(4)(e) of the Act may well suffice for the purpose of “carrying out the remaining development works by the association of allottees” as maybe determined by the authority. If the Authority takes a view on the mode of “carrying out the remaining development works,” it must ascertain as to what the status of “association of allottees” is vis-a-vis Section 11(4)(e) of the Act.
5. The respondents in all these cases are, therefore, directed to file an affidavit with regard to status of the formation of such an association of allottees, so that their locus standi vis-a-vis carrying out of all the remaining development works may be considered. In case such an association of allottees has not already been formed, still in that case, the promoter, as mandatorily bound by Section 11(4)(e) of the RERA Act, must information regarding the same before the next date of hearing and the allottees would aid in the formation of such an association, so that it may be considered for further direction under Section 8 of the Act.

6. Learned counsel for the complainants informs that the respondents are still collecting money from unsuspecting home buyers in spite of the fact that the project is lapsed and they are not legally entitled for the same.
7. The respondents are barred from doing any financial transaction which would be construed as 'criminal misappropriation' in view of the fact that the project is lapsed and any money taken from unsuspecting home buyers is tantamount to cheating and defrauding them.
8. Let a copy of the proceeding be sent through e-mail to the learned counsel for the respondents who had appeared during the conciliation proceeding for a more fair appreciation of the matter and their response, if any.

List this matter along with RERA/CC/422/2022 and its analogous cases on 28.08.2025 so that they can be heard together and the matter could be dealt in more comprehensive manner.

Sd/-
(Vivek Kumar Singh)
Chairman