REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding Officer,
Mr. Ved Prakash, RERA, Bihar

Exe. Case No.123/2024
RERA/CC/314/2022

Surendra Kumar and 10 others .... Complainant(s)/Executant(s)

Vs

M/s Hawk Buildtech Pvt. Ltd. …..Respondent

Project: HARICHARAN COMPLEX

For the Executant: Mr. Sumit Kumar, Advocate
Mr. Bishwash Vijeta, Advocate
For the Respondent- Mr. Sharad Shekhar, Advocate
Promoter

23.06.2026 **PROCEEDING**

Learned Counsel Shri Sumit Kumar on behalf of the executants Surendra Kumar and others and learned counsel Shri Bishwash Vijeta on behalf of other set of executants Ravindra Kumar and others as well as learned counsel Shri Sharad Shekhar on behalf of the respondent-promoter are present.

Learned counsel Shri Sumit Kumar submits that the respondent and other set of executants have let out the part of premises, so they may be stopped from using the premises as the building is still incomplete.

Another hand, learned counsel Shri Bishwash Vijeta on behalf of other set of executants and learned counsel for the respondent submit that there is no necessity for direction to stop the letting out as the respondent is ready to construct the remaining part of the project and they will deliver possession of share to the executants Surendra Kumar and others.

Considering the submission, it appears that on previous date (21.04.2026), the Bench has found on the basis of material available on record that the project in question is lapsed one and during the period of lapse of registration, the promoter/anyone has no right to occupy and use the building in incomplete position, which finds support from the Bihar Apartment Ownership Act, 2006, Bihar Municipal Act as well as Section 17 of RERA Act and Bihar Building Bye-laws, 2014 as in occupation of incomplete building if any

untoward incident occurs, the question would arise as to who will be responsible for the loss to the parties. In like manner, Section 8 of RERA Act, 2016 authorizes to the Authority to carry on further development work as it deemed fit either through the Association of Allottees or through any Agency after consultation with the Government of Bihar. Considering the ample evidence, this Bench has restrained the respondent/executant from using/letting out/leasing out the shops/commercial activities in the project in question till completion/occupancy certificate is obtained. Secondly, it was also directed to the promoter not to withdraw money from the project account during the lapsed period of the project "Haricharan Complex" and accordingly the account of the project was freezed and as per order, IndusInd Bank, Patna has freezed Account No.201000151855.Thirdly, the respondent was directed to furnish the list of allottees for consideration of carrying out further construction work under the provisions of Section 8 of RERA Act, 2016. It was further observed that considering the material if the project of the building was letting out or leasing out and someone was coming in occupation, it will be serious lapses on the part of the respondent and executants as well, and as such, it was stopped from the initial stage and it was directed to communicate the order dated 12.01.2026 to Sr.S.P., Patna , SDM, Patna Sadar and SDM, Danapur for strict compliance of the order dated 12.01.2026.

Accordingly, office is further directed to communicate the orders dated 12.01.2026 and 23.06.2026 to Sr.S.P., Patna, SDM, Patna Sadar and SDM, Danapur for strict compliance of the orders dated 12.01.2026 and 21.04.2026 passed by this Bench/Authority.

Put up on 21.07.2026 for further hearing.

Sd/-

(Ved Prakash)
Special Presiding Officer,
RERA, Bihar