

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs Nupur Banerjee, Member

Case No.CC/485/2023

M/s Universal Infrahomes L.L.P.Complainant

Vs

M/s Smart Choice Homes Pvt. Ltd.Respondent

Project: Radhe Enclave

Present: For Complainant: Mr. Sumit Kumar, Advocate

For Respondent: Mr. Bishwash Bijit, Advocate

09/07/2024

PROCEEDING

Hearing taken up. Both the parties are present through their respective learned counsel.

Learned counsel for the complainant states that the complainant is the landowner company and he has a land property of his own. He claims that the project Radhe Enclave done by the promoter M/s Smart Choice Homes Pvt. Ltd. has encroached on his property of land and making project construction, so this is an illegal thing. Without his knowledge the plan has been sanctioned and the development agreement has been executed by the adjacent landowner. So, he has already filed a title suit against the promoter company and the judgment of the suit is yet to be decided. He wants revocation of the project as because he feels that the promoter company has taken registration from RERA by suppressing this fact that part of the land belongs to him and also other non-encumbrances certificate. So, he wants immediate revocation of the project.

Learned counsel for the respondent promoter states that whatever the complainant is stating is not correct and they have submitted all the necessary non-encumbrances certificate and correct documents at the time of registration and accordingly, the registration has been given and they are building the project. He also states that the project land belongs to one Chandan Kumar, who has purchased the land from Mr. Alok Kumar and mutation order regarding this case has been annexed by the promoter. The registration report received from the Registration Wing also states that whatever documents they have submitted at the time of registration has been verified and accordingly, registration has been given.

Both learned counsel are submitting that this project land belongs to them. The complainant states that part of his land is included in this project and he has also got Jamabandi order on that part of the land. So, all the relevant documents are submitted as Annexure 3. The complainant also states that whatever the promoter has submitted regarding land documents are forged and fabricated.

The respondent submits that whatever the construction he has done for the project is of his landowner with whom the development agreement has been done.

The complainant landowner stated that there must be stay imposed on sale of the project.

The respondent promoter has stated in court that the land of the project belongs to him and he has taken registration from RERA and whatever allegation the complainant landowner is stating is not correct and whatever stay that has been imposed in the last proceeding may be vacated.

The respondent is at liberty to file their reply and accordingly, the complainant will file rejoinder giving a copy to the other party. Whatever documents they want to submit must be stamped and submitted in court.

Both the parties have argued over the matter at length.

The Bench after hearing both the parties finds that there is no final judgment declared by the Civil Court regarding the claim of the landowner of the project land. Hence, the imposition of stay may not be applied at this stage and that may be applied after judgment comes from the Civil Court. So, the stay is currently vacated. The office may act accordingly.

Put up for hearing on 22.08.2024.

Sd/-

**Nupur Banerjee
Member**