REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/528/2024

Saroj Kumar Singh ……Complainant

Vs

M/s Kanishka Buildcon Pvt. Ltd. …..Respondent

Project: Vidyanand Maheshwari Complex

Present: For Complainant: Mr. Mukesh Kumar, Advocate
For Respondent: Mr. Sumit Kumar, Advocate

24/06/2026 **PROCEEDING**

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

Learned counsel for the complainant submits that the complainant has paid a total amount of Rs.43,72,800/- out of the total consideration amount of Rs.44.65 lakh and even considering the averments of the respondent and for the time being neglecting the cost incurred in construction of the said flat by the complainant, a meagre amount of less than Rs.1.00 lakh remained to be paid by the complainant. He also submits that the payment of over Rs.3.72 lakh does not seem to be justified. He, therefore, requests for a direction to be given to the respondent to file a detailed statement outlining therein as to what is the due amount which the complainant is required to pay to the respondent.

Learned counsel for the respondent submits that he has completed the impugned project in all respect before the enforcement of the Real Estate (Regulation and Development) Act, 2016. In support of the same, he has filed a completion certificate dated 17.04.2017. He by referring to an order dated 15.04.2026 passed in RERA/CC/125/2023 passed by the Special Presiding Officer, RERA submits that this case is not maintainable either on fact or in law. He, therefore, requests this Bench to first decide this case on the maintainability as the RERA has no jurisdiction to hear and decide the instant matter as the project has already been completed before enforcement of RERA Act.

Perused the record and considered the submissions made by learned counsel for the respondent wherein he has raised the question of maintainability of the present case on account of the fact that the same has been completed on 17.04.2017 i.e. before enforcement of RERA Act. The completion certificate, as referred to by the learned counsel for the respondent, does not bear the seal and signature pertaining to the receipt of the same before enforcement of RERA Act. Learned counsel for the respondent has also failed to furnish any cogent evidence to prove that the said project and especially the booked flat in question was completed before enforcement of RERA Act or not. However, even considering the fact that the said project may have been completed before enforcement of RERA Act, the direction of the Hon'ble Supreme Court passed

in M/s Newtech Promoters and Builders vs. the State of UP & ors., in Civil Appeal No. 6745-6749/ 2021 has observed that the application of the RERA Act, 2015 is retroactive in character. The legislature has consciously enacted a retroactive attitude in order to ensure that the interest of the consumers in Real Estate Sector is protected in all respect. In the present circumstances, the learned counsel for the respondent has failed to convince this Bench that the RERA court is not competent to hear the present matter.

The learned counsel for the respondent, in his argument during hearing, has submitted that the project concerned is complete in all respect and even the lift and other basic amenities have been installed, which is vehemently opposed by the learned counsel for the complainant.

The complainant is directed to enlist all such terms and conditions outlined in the agreement for sale, which have not been complied with by the respondent as a promoter of the impugned project Vidyanand Maheshwari Complex and provide the same to the respondent for rectification of the same.

Both the respondent and the complainant are directed to file a written notes of argument on their behalf along with the relevant documents/ evidences in their favour so that a final decision be taken in this respect.

Put up this case on 23.07.2026 for further hearing.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar