



REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/422/2022

Dinesh Kumar Yadav

....

.....Complainant

Vs

M/s City Green Infrastructure Pvt. Ltd.

....Respondent

Project: **GREENS MANOR APARTMENT**

With

RERA/CC/459/2022

Mr. Naveen Kumar

....

.....Complainant

Vs

M/s City Green Infrastructure Pvt. Ltd.

....Respondent

Project: **GREENS MANOR**

With

RERA/CC/466/2022

Umashankar Tiwary

....

.....Complainant

Vs

M/s City Green Infrastructure Pvt. Ltd.

....Respondent

Project: **GREENS MANOR APARTMENT**

With

RERA/CC/467/2022

Jagdish Prasad Rewani

....

.....Complainant

Vs

M/s City Green Infrastructure Pvt. Ltd.

....Respondent

Project: **GREENS MANOR APARTMENT**

With

RERA/CC/469/2022

Pradeep Kumar

....

.....Complainant

Vs

M/s City Green Infrastructure Pvt. Ltd.Respondent

Project: **GREENS MANOR APARTMENT**

With
RERA/CC/536/2022

Rakesh KumarComplainant

Vs

M/s City Green Infrastructure Pvt. Ltd.Respondent

Project: **GREENS MANOR APARTMENT**

With
RERA/CC/557/2022

Ashok Kumar VishwakarmaComplainant

Vs

M/s City Green Infrastructure Pvt. Ltd.Respondent

Project: **GREENS MANOR APARTMENT**

With
RERA/CC/590/2022

Rajesh Kumar ChoudharyComplainant

Vs

M/s City Green Infrastructure Pvt. Ltd.Respondent

Project: **GREENS MANOR APARTMENT**

With
RERA/CC/477/2023

Neelam Devi & othersComplainant

Vs

M/s City Green Infrastructure Pvt. Ltd.Respondent

Project: **GREENS MANOR APARTMENT**

With
RERA/CC/558/2022

Niraj KumarComplainant

Vs

M/s Nesh India Infrastructure Pvt. Ltd.Respondent

Project: **TIRUVANTPURAM CITY**

With

RERA/CC/185/2023

Kishore MohanComplainant

Vs

M/s Technoculture Building Centre Pvt. Ltd.Respondent

Project: **VASTU VIHAR, ASHOPUR-04**

With

RERA/CC/358/2023

SweetyComplainant

Vs

M/s Technoculture Building Centre Pvt. Ltd.Respondent

Project: **VASTU VIHAR, PHASE-8**

With

RERA/CC/368/2023

Jai Narain SinghComplainant

Vs

M/s Technoculture Building Centre Pvt. Ltd.Respondent

Project: **VASTU VIHAR, ASHOPUR-04**

With

RERA/CC/103/2023

Dr. M. Khursid Zaman & othersComplainant

Vs

M/s Om Sai Construction Pvt. Ltd.Respondent

Project: **SAI HAWELI APARTMENT**

With

RERA/CC/82/2022

Shamim Ahmad and othersComplainant

M/s Kamini Homes VsRespondent

Project: **AHMAD RESIDENCY**

With
RERA/CC/39/2022

Pankaj KumarComplainant

Vs

M/s Patna Green Housing Pvt. Ltd. through its Director

Mr. Bhushan Kumar SinghRespondent

Project: **METRO GREEN CITY “BLOCK B”**

With
RERA/CC/40/2022

Rajesh KumarComplainant

Vs

M/s Patna Green Housing Pvt. Ltd. through its Director

Mr. Bhushan Kumar SinghRespondent

Project: **METRO GREEN CITY “BLOCK B”**

With
RERA/CC/64/2023

Mr. Dileep KumarComplainant

Vs

M/s Grih Vatika Pvt. Ltd.Respondent

Project: **GREEN VATIKA**

Present: For Complainant: Mr. Punit Kumar, Advocate
(In Sl. Nos. 1 to 8)
Mr. Sumit Kumar, Advocate
(In Sl. Nos. 11 to 13)
Mr. Sharad Shekhar, Advocate
(In Sl. Nos.18 and 19)

Mr. Syed Shahid Imam, Advocate
(In Sl. No. 17)
For Respondent: Mr. Sumit Kumar, Advocate
(In Sl. Nos. 1 to 9)
Mr. D.K. Roy, Advocate
(In Sl. Nos. 11 to 13)
Mr. Sharad Shekhar, Advocate
(In Sl. No.15)
Mr. Amit Singh, Advocate
(in Sl. No. 17)

12-06-2025

PROCEEDING

1. Hearing taken up. Heard learned counsel for all the complainants and learned counsel for all the respondents.
2. Along with present complaint case, 17 other proceedings of lapsed projects have been taken up for hearing today, details of which are as follows:-

Sl.	Case Nos.	Names of the parties	Project
1	RERA/CC/422/2022	Dinesh Kumar Yadav Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Apartment
2	RERA/CC/459/2022	Mr. Navin Kumar Vs. M/s City Green Infrastructure Pvt. Ltd.	Green Manor
3	RERA/CC/466/2022	Umashankar Tiwary Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Apartment
4	RERA/CC/467/2022	Jagdish Rewani Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Apartment
5	RERA/CC/469/2022	Pradeep Kumar Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Apartment
6	RERA/CC/536/2022	Rakesh Kumar Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Apartment
7	RERA/CC/557/2022	Ashok Kumar Vishwakarma Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Apartment
8	RERA/CC/590/2022	Rajesh Kumar Choudhary Vs. M/s City Green	Greens Manor Apartment

		Infrastructure Pvt. Ltd.	
9	RERA/CC/477/2023	Neelam Devi & others Vs. M/s City Green Infrastructure Pvt. Ltd.	Greens Manor Block-A
10	RERA/CC/558/2022	Niraj Kumar Vs. Nesh India Infrastructure Pvt. Ltd.	Tiruvantpuram City
11	RERA/CC/185/2023	Kishor Mohan Vs. M/s Technoculture Building Centre Pvt. Ltd.	Vastu Vihar, Ashopur-04
12	RERA/CC/358/2023	Sweetly Vs. M/s Technoculture Building Centre Pvt. Ltd.	Vastu Vihar, Phase-8
13	RERA/CC/368/2023	Jai Narayan Singh Vs. M/s Technoculture Building Centre Pvt. Ltd.	Vastu Vihar, Ashopur-04
14	RERA/CC/103/2023	Dr. M. Khursid Zaman and others Vs. M/s Om Sai Construction Pvt. Ltd.	Sai Haweli Apartment
15	RERA/CC/82/2022	Shamim Ahmad and others Vs. M/s Kamini Homes.	Ahmad Residency
16	RERA/CC/39/2022	Pankaj Kumar Vs. M/s Patna Green Housing Pvt. Ltd. through its Director Mr. Bhushan Kumar Singh	Metro Green City "Block B"
17	RERA/CC/40/2022	Rajesh Kumar Vs. M/s Patna Green Housing Pvt. Ltd. through its Director Mr. Bhushan Kumar Singh	Metro Green City "Block B"
18.	RERA/CC/64/2023	Mr. Dileep Kumar Vs. M/s Grih Vatika Pvt. Ltd.	Green Vatika

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. The promoters are directed to furnish a list of allottees with proper contact details to the complainants, with a copy thereof to the Authority within a month.
7. Section 8 of the RERA Act empowers the Authority for carrying out the remaining development works in consultation with the State Government in the following three manners:-
 - (a) by the competent authority;
 - (b) by the association of the allottees; and
 - (c) in any other manner as determined by the Authority.

8. In view of the same, the promoters are directed to submit the following information with regard to their responsibility under the RERA Act :-
- status of the association of allottees,
 - physical status of the project vis-a-vis the registration certificate; and
 - financial status of the project vis-a-vis the registration certificate.
9. The complainants of all these cases are also directed to furnish the following information, as per their estimation :-
- status of the formation of allottees association;
 - physical status of the project;
 - financial status of the project.
10. The complainants, as they would be more inclined towards completion of the project for their occupation, are free to suggest legally tenable mode of action, which they may deem for “carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner” as provided in Section 8 of the RERA Act.
11. It is important to note that the above exercise has been necessitated due to lack of clarity with regard to the actual implementation of Section 8 of the RERA Act, which may otherwise adversely impact the rights and claims of the home buyers.
12. It would help us in assessing the larger picture and taking a call if the aforesaid information is provided by the complainants and the respondent in a chart, the format of which is given below:-

S.No.	Name of complainant / allottee	Name Respondent / Promoter	Project Name	Total Consideration amount
1.	2.	3.	4.	5.

Paid consideration amount	Prayer (Possession / Refund)	Physical status of the project	financial status of the project	Suggestion for carrying out the remaining works	Any other information /suggestion
6.	7.	8.	9.	10.	11.

13. Obviously, as all these cases would be specific and of a diverse nature there is a possibility that, one size fits all “principle may not

work universally. But a better understanding of the scenario would help us in taking the matter to a logical conclusion. A mere reference to the State Government may not yield results, until and concrete unless clear-cut guidelines, regulations and policies are framed on this count in the future.

Put up for hearing on 28.08. 2025.

Sd/-
(Vivek Kumar Singh)
Chairman