

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/133/2025

Mamta Sharma

.....Complainant

Vs

M/s R.D.Eco Developers Pvt. Ltd.

.....Respondent

Project: Ram Swaroop Apartment

Present: For Complainant: In person

For Respondent: Mr. Sumit Kumar, Advocate

16/09/2025

PROCEEDING

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

Learned counsel for the respondent submits that the matter is subjudiced before the Hon'ble High Court in C.W.J.C.No. 2893/2024. He further submits that the Hon'ble High Court in its order dated 28.02.2024 has restrained the promoter/ respondent from handing over the possession of the impugned project to the allottees concerned. He further submits that though in all earnesty the promoter is willing to handover the possession but he is unable to do so owing to the above circumstances.

Learned counsel for the respondent also submits that the sale deed has been executed in favour of the complainant and the possession letter has been handed over to the complainant accordingly.

The complainant, who herself is present in person, refers to the order dated 28.02.2024 of the Hon'ble High Court passed in C.W.J.C.No. 2893/2024. She also refers to the judgment dated 09.09.2024 delivered by the Sub-divisional Magistrate, Danapur in Case No. 754(M)/2024 in which the respondent was the first party. In the said order, it has been specifically mentioned that the first party (respondent) has admitted before the S.D.M. Court, that prior to the order dated 28.02.2024 passed by the Hon'ble High Court, the developer (respondent) had executed the sale deed in favour of the respective allottees and he has also issued the possession letter in favour of the allottees. The complainant submits that the Hon'ble High Court has put a restriction on the builder not to give possession to anyone after the date of passing of that order i.e. after 28.02.2024 but in the present case since the possession has already been handed over to the respective allottees, hence the question of violation of the order of the Hon'ble High Court does not stand in this case as falsely claimed by the respondent. She further says that on the contrary the respondent by not giving physical possession to her is rather committing fraud by making false statement in contrary to the statement

which he has made before the learned SDM, Danapur. She further submits that the respondent is not only deceiving her but also all the other allottees by not physically acting in accordance with his own act of executing the sale deed in favour of the respective allottees and handing over the possession on paper, which he has done well before 28.02.2024.

Learned counsel for the respondent submits that he has already completed over 70% of the project work and at present only internal finishing work is remaining. The complainant submits that still the generator and the electricity connection in the said project has not been installed/ made active.

The respondent is restricted from creating any 3rd party interest in this project as far as the present complainant is concerned and ensure settlement of this issue as early as possible so that handing over of the possession of the impugned flat be done as early as possible.

Since the matter is presently in the Hon'ble High Court in the above said writ petition, the complainant is at liberty to submit her grievance before the Hon'ble High Court, through an intervention petition.

The respondent is directed to furnish the relevant documents with respect to the submissions made by the complainant during hearing. The complainant is also directed to furnish all the relevant documents in order to prove the veracity of her statement before the next date of hearing.

Put up on 05.11.2025 for further hearing.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar