

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh
& Hon'ble Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar,**

RERA/CC/628/2022

Rajka Devi Complainant

Vs.

R.D. Eco Developers Pvt. Ltd. Respondent

For the complainant: Mr. Sumit Kumar, Advocate

For the Respondent: Mr. Sharad Shekhar, Advocate

Project:- CHETNA RESIDENCY

PROCEEDING

24.07.2024 Hearing taken up. Mr. Sumit Kumar, Advocate, appears for the complainant. Mr. Sharad Shekhar, Advocate, appears for the respondent.

Learned counsel for the complainant submits that the complainant had entered into a Development Agreement with the respondent on 5.8.2013, wherein, it was agreed that the complainant would get 50% of the total constructed area made over her land. He further submits that as per paragraphs 14, 15 & 16 of the Agreement, total measurement of super built area under the ownership of landowner on 50-50 basis with promoter has been calculated as 1701.25 sq. ft. and he requests that the respondent - promoter may be directed to allot and execute Share Distribution Agreement of 50% share i.e. 1701.25 sq. ft of the complainant and handover peaceful possession. He also submits that the registration of the project has lapsed. Lastly, he submits that the respondent may be directed not to alienate any of the flats of 50% share of the complainant to third party till execution of the Share Distribution Agreement, to which the Authority directs the respondent not to alienate any of the flats of 50% share of the complainant to third party till further orders.

Learned counsel for the respondent has filed hard copy of the counter reply dated 22.07.2024 and a copy of

which is stated to have already been handed over to the complainant's counsel, to which the complainant's counsel agrees. He has stated, inter alia, therein that as per the Development Agreement, the complainant is entitled to get 50% share in the project. Further, as per para 16 of the Agreement, it was agreed between them that the landowner shall have right over 50% area after completion of the project. On query regarding project lapsed one and making application for extension of the project, he submits that he has no knowledge and he would seek instruction on this issue and would file submission. On query regarding creation of Share Distribution Agreement, he submits that the same will be executed within a month.

The respondent is directed to file written submission within two weeks with a copy to the complainant's counsel who will file rejoinder to the written submission as well as counter reply dated 22.07.2024 within fifteen days thereafter.

This case is transferred to the Division Bench to be presided over by Hon'ble the Chairman Sri Vivek Kumar Singh and Hon'ble Member Sri S.D.Jha.

Put up for hearing on 25.09.2024.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman