

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

Exe. Case no. 123/2024

RERA/CC/314/2022

Mr. Surendra Kumar & 10 others Executants

Vs.

M/s Hawk Buildtech Pvt. Ltd. Respondent

PROJECT: HARICHARAN COMPLEX

12.01.2026

PROCEEDING

Learned counsel Mr. Sumit Kumar on behalf of the executants Surendra Kumar and others and learned counsel Mr. Kumar Prateek on behalf of other set of executants Ravindra Kumar and others as well as learned counsel Mr. Sharad Shekhar on behalf of the respondent – promoter are present.

Learned counsel for the executants Surendra Kumar and others by filing a petition under section 36 of the RERA Act, 2016 on 07.10.2025 after supply of its copy to learned counsel for other set of executants and the respondent submits that the respondent and other set of executants inclusive manner have rented out several shops/commercial spaces of the building and are operating their businesses in the said incomplete project namely Haricharan Complex without occupancy and completion certificate, which is flagrant violation of various provisions of Bihar Apartment Ownership Act, 2006, Bihar Municipal Act as well as RERA Act, 2016 and the allottees/tenants are illegally occupying the units in utter violation of several Acts and in spite of directions of this Bench, the respondent is violating the directions. Hence, coercive action against the respondent and others may be taken

and further the respondent and others may be restrained from any kind of commercial or other activities in the incomplete project in question and also freeze the project account.

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Learned counsels for other set of the executants and the respondent vehemently oppose the aforesaid submissions and submit that the respondent has not let out building and the executants Surrender Kumar and others cannot direct the other set of executants Ravindra Kumar and others not to use the premises of other landowners and they have got right to use the premises at their will.

Heard learned counsels for the parties and perused the record.

The Bench observes that Ravindra Kumar and others are also landowners and admittedly registration of the project Haricharan Complex is lapsed one. Further, extension of registration has been rejected by the Authority on 01.10.2024. Hence, presently the project in question is still lapsed one. During the period of lapse the promoter/anyone has no right to occupy and use the building in incomplete position and said legal position also finds support from the Bihar Apartment Ownership Act, 2006, Bihar Municipal Act as well as section 17 RERA Act, 2016 as in occupation of incomplete building if any untoward incident occurs the question would arise as to who will be responsible. Section 8 of the RERA Act, 2016 authorizes the Authority to carry on further development work of the project by competent authority as it may deem fit or by the association of allottees if they are competent enough to do so. However, the respondent has not yet submitted the list of allottees, which may be considered for further development work of the project, and

validity period of map is also expired. In such view of the matter, the following directions are made:

Firstly, the respondent/executants are restrained from using/ letting out/lease out the shops/commercial activities in the project in question till completion/occupancy certificate is obtained.

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Secondly, since the promoter has no right to withdraw money from the project account during the lapsed period of the project Haricharan Complex, the project account is hereby freezed till further order of the Bench/Authority

Thirdly, the respondent is directed to furnish the list of allottees for remaining development work of the project.

Office is directed to communicate the order to the concerned Bank at the earliest for strict compliance.

Put up on 10.02.2026 for further hearing.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.