REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr.Ved Prakash,
Special Presiding Officer

Exe. Case no. 400/2024, 403/2024
RERA/CC/729/2021, 728/2021

Sunil Kumar, Ashok Kumar Pal ...Executants(s)

Vs.

M/s R.R. Builders Pvt. Ltd. ...Respondent (s)

PROJECT- Sanchar Nagar

For the Executant : Mr. Sumit Kumar (Adv.)
For the respondent : Mr. Parth Gaurav (Adv.)

14.10.2025 **PROCEEDING**

Shri Parth Gaurav, learned counsel on behalf of respondent promoter, without filing any petition, orally submits and reiterates that on 26.08.2025, this bench directed the Registrar, Patna/ Sub-Registrar, Danapur not to register sale deed with respect to the project Sanchar Nagar in favour of any prospective buyer on presentation of conveyance deed/sale deed by the respondent promoter/his representative for registration of the deed and the stay order was communicated to the Registrar, Patna/Sub-Registrar, Danapur through I.G. Registration, Bihar, Patna and on account of this stay order, the execution and registration of remaining flats to be sold out by the respondent promoter in favour of prospective buyers has been banned and such, the buyers are facing a lot of inconvenience and the situation became tense after passing of the aforesaid order when the prospective buyers have deposited Challan. Hence, they started raising their protest and demonstration outside the registry office. He further submits that somehow or the other, on persuasion of respondent promoter and interference of police, the situation was normalized. He further submits that in such circumstances, the order dated 26.08.2025 passed by this bench has to be withdrawn, so that the justice may be done in favour of prospective buyers.

2. Learned counsel further submits that the respondent has very safely separated the share of the executant landowners and the respondent has

already allotted his share and is still ready to re-allocate his share as per calculation, so in view of this oral undertaking, the stay on registration of other flats of the project, Sanchar Nagar by the respondent promoter may be relaxed/recalled and he may be allowed to execute and register sale deed in favour of prospective buyers with respect to the flats of the project, otherwise the prospective buyers and the promoter will not be in a position to celebrate the coming Depawali and Chhath Puja festivals.

3. On the other hand, Shri Sumit Kumar, learned counsel on behalf of landowners /executants has strongly opposed the emotional submission and submitted that the justice should be done equally to both the sides as the respondent promoter without executing share distribution is continuously selling flats to the prospective buyers and from such activities, the interest of the executants is at stake as still the share of flats of executants and landowners is neither reallocated nor delivered and on the other hand, the respondent promoter without proper of distribution of share is selling flats and up-till-now, he has sold out 90 % of flats of the project without executing share distribution, which is mandatory in the eye of law.

4. He further submits that due to regular execution of sale deeds in favour of prospective buyers by the respondent promoter without share distribution between promoter and landowner is further complicating the matter and execution case which has to be decided at earliest, but the same is being delayed causing financial loss as well as mental harassment to the executants, which cannot be compensated by the respondent after sale of all the flats of the project. He further submits that the Hon'ble Supreme Court also in Civil Appeal no 3640-3642 of 2025 has also laid stress on the speedy disposal of execution case and has given a ruling that all the execution cases have to be disposed of within six months. The present case is filed on 20.11.2024 by the executants and it is still pending due to different unsustainable approach adopted by the respondent promoter. Hence, the submission of the respondent promoter has to be turned down and the stay granted by this bench vide order dated 26.08.2025 on registration of flats has to be continued.

5. Heard and perused the record.

6. On 26.08.2025, since the respondent was found that he was continuously transferring the flats in favour of prospective buyers without carrying out the share distribution between the promoter and landowner, the Registrar, Patna/Sub-Registrar, Danapur were directed not to register sale deed with respect to the project, Sanchar Nagar in favour of any prospective buyers on presentation of conveyance deed/sale deed by respondent promoter/his representative for registration of deed and the order was communicated to those officers through I.G. Registration, Bihar, Patna. Learned counsel for respondent promoter is reiterating his submissions for allowing execution and registration of flats of the project, Sanchar Nagar on the ground that the interest of prospective buyers is being badly affected. On the other hand, learned counsel for executants, as discussed above, has vehemently opposed the submission on the ground that without share distribution of flats between the promoter and landowner executants, the registration of sale deed should not continue, otherwise the executants will not be in a position to get their due share of flats in the said project.

7. Learned counsel for executants has further reiterated that execution case has to be decided at earliest, preferably within six months, which is based on the direction of the Hon'ble Apex Court.

8. The respondent promoter is willing to get stay on present execution case, but due to non-availability of coram, the Hon'ble Appellate Tribunal is not functioning and therefore, the stay order in the matter could not be produced. However, in my opinion, section 5 of the Apartment Ownership Act, 2006 emphasizes that the promoter and landowner have to carry out the share distribution so that the title may be transferred to the prospective buyer, but in the present case, without distribution of share of flats between the promoter and landowner and allocation, the execution and registration of sale deed will not only complicate the matter, but it will also be prejudicial to the interest of home buyers as their interest will be affected due to dispute between the promoter and landowner.

9. The respondent promoter has claimed that he is ready to execute and register sale deed in favour of prospective buyers, which shows that the

flats of the project are ready to move in. Hence, as per section 19 (3), the executant is entitled to get delivery of possession of flats and execution of share distribution. It also appears that equity has to be done with both parties and the respondent promoter in the name of equity to prospective buyer is not entitled to sell all flats of the project without share distribution and delivery of possession of flats in the project to the landowner. I am further of the view that mere emotional argument is not sustainable in the eye of law and the same has to be supported by existing rules and regulations and the festivals have to be celebrated by both the parties on the basis of equity, justice and good conscience.

10. In view of the above discussion, I am of the considered view that the submission of learned counsel for respondent promoter is not tenable and sustainable in the eye of law. Accordingly, the same is turned down and the ban imposed vide order of this bench on 26.08.2025 on the registry of sale deeds of flats with respect to project, Sanchar Nagar shall continue till further order of this Bench/Authority.

Put up on 11.11.2025 for further hearing.

Sd/-
(Ved Prakash)
Special Presiding Officer