

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before Full Bench of Mr. Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs. Nupur Banerjee, Members

Authorized Representative of RERA

Vs.

M/s Palviraj Construction Pvt. Ltd
Project: **Bollywood Residency**

24/08/2021

Order

Real Estate Regulatory Authority, Bihar issued show-cause notices to M/s Pallavi Raj Construction Pvt. Ltd through Mr Sanjeev Kumar Shrivastava, Director, on 25.06.2021 as to why the applications for registration of **Project Bollywood Residency AB (Application No. – RERAP08292019121329-3)** filed by the company with the Real Estate Regulatory Authority (RERA), Bihar should not be rejected under Section 5 (1) (b) of Real Estate (Regulation & Development) Act, 2016. The proposed grounds for rejection were that they have submitted the Building plans/Maps of both projects approved by a Mukhiya in December 2016, the validity of which have already expired before submission of the hard copy of the application on 21.8.2020; the map needed to be revalidated after completion of three years as per section 9 of Bihar Building Byelaws, 2014 before December 2019 and that, by that time the project sites had come under the jurisdiction of the Patna Metropolitan Area Authority (PMAA). Hence, the promoter was required to submit the map as revalidated map by the competent Authority. The notice also contended that duly filled form B and Fire NOC was not there. The promoter had not furnished the requisite documents/records, despite reminders and hence does not fulfil the requirement of

submission of information/ documents as stipulated under the Section 4 of the Real Estate (Regulation and Development) Act 2016 and Rule 3 of the Bihar Real Estate (Regulation and Development) Rules 2017.

Hearing was taken up on 28.06.2021 and 02.07.2021 through video conferencing mode. Mr. Sanjay Singh, learned counsel appeared on behalf of the respondent company. Detailed proceedings have already been recorded and posted on the web site.

The learned counsel of the promoter had submitted that the question of revalidation ought to have been raised on the same date when application was filed; that Mukhiya of Gram Panchayat as the competent authority had sanctioned before PMAA was established in December, 2017 and that the landowners had got the building plans of the project approved by the Mukhiya. Subsequently the promoter submitted the revalidated map of the project which was signed by the Mukhiya.

The Authorised Representative of the Authority had submitted that it was the responsibility of the promoter to submit revalidated sanctioned plans along with their application for registration of their projects; that as per Bihar Building Bye-laws 2014, the map must be revalidated by the competent authority within three years from the date of approval and Mukhiya will not be the competent Authority as the construction sites of the projects have come under the jurisdiction of the Patna Metropolitan Area Authority (PMAA). Further, as the Real Estate (Regulation and Development) Act 2016 had already come into operation with effect from 1.5.2017, the developer of the projects were required to register these two projects within three months of commencement of the Act i.e. by 31st July 2017, failing which they were liable to pay penalty under section 59 (1) of the Act.

The Authorized representative of RERA further submitted that query was sent on 07/9/2020 as well as on 5/11/2020 as mandated under Proviso to the Rule 5 (2) of the Bihar Real estate (Regulation and Development) Rules 2017 and that was within a month but reply was submitted by the promoter in January 2021.

Authorized representative of RERA pointed out that the development agreements were executed by the promoters with the land-owners in July/September 2020 and submitted to the Authority. All development agreements have provided that an architect will be appointed after execution of the development agreement i.e. post July/September 2020, to prepare the building plan/map of the projects.

The Authority agrees that after issue of the notification dated 28th October 2016 by the Urban Development and Housing Department (UDHD) for establishment of Patna Metropolitan Area Authority, Mukhiya was not the competent authority to approve the map as of today. The Authority also takes note of the fact that, in any case the Bihar Panchayati Raj Act 2006 and Rules made thereunder have not yet empowered the Mukhiyas of the Gram Panchayats to sanction the building Plans/Maps of the Multi-storied buildings in the areas covered under Gram Panchayats.

The Authority takes note of the letter received from PMAA in June, 2021 regarding registration of real estate projects falling within the jurisdiction of the Patna Metropolitan Area, stating that all such projects should be registered by RERA only after approval of the building plans/Maps by the PMAA. This has further been confirmed by the Chief Executive Officer, PMAA in his latest communication dated 11th August 2021 regarding revalidation of maps earlier approved by Mukhiyas.

The Authority also takes note of the communication from Additional Chief Secretary, Panchayati Raj Department vide his letter dated 4618 dated 18.8.2021 that the issue of authorizing Gram Panchayats to approve building plans/Maps of the Real estate Projects located outside the planning areas was under the consideration of the Government.

In view of the above the Authority finds that the building plans/ maps have not been revalidated by the competent authority and rejects the application for registration of the Project Bollywood Residency AB. The promoter is directed to refund the deposits of all consumers/allottees along with the interest at the Marginal Cost of Lending Rate (MCLR) of the State Bank of India as applicable for two years or more plus two percent from the date of deposit to the date of refund, within sixty days of issue of the order.

Sd/-

R.B. Sinha
Member

Sd/-

Naveen Verma
Chairman

Sd/-

Nupur Banerjee
Member

FORM 'D'

[See rule 5(2)]

INTIMATION OF REJECTION OF APPLICATION FOR REGISTRATION OF PROJECT

From:

The Real Estate Regulatory Authority, Bihar, Patna

To

Sanjeev Kumar Shrivastva,
Director
Palviraj Construction Pvt Ltd
Patna
Email Id: sanjeevoak50@gmail.com

[Application/Registration] No.: **Bollywood Residency AB**
(RERAP08292019121329-3)

Dated: 26.08.2021

You are hereby informed that your application for registration of project "Bollywood Residency" is rejected.

For the reasons set out: -

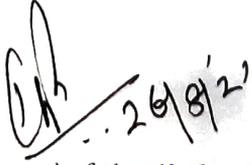
Non-submission of duly approved map of the Project by the competent authority as stipulated by relevant sections and rules of Real Estate (Regulation & Development) Act, 2016 and Bihar Real Estate (Regulation and Development) Rules, 2017 respectively, despite reminders.

The Authority also directs you to refund the deposits of the allottees along with interest at the rate of Marginal Cost of Lending Rate (MCLR) of the State Bank of India (SBI) as applicable for two years plus two percent from the date of deposit to the date of refund.

Place: Patna

Date: 26.08.2021

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority, Bihar


Secretary
Real Estate Regulatory Authority
Bihar, Patna