

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman,
& Mrs. Nupur Banerjee, Member**

Case No. SM/296/2018; SM/408/2019

Authorized Representative of RERAComplainant

Vs.

M/s Swansgreen Estate Pvt. Ltd.....Respondent

- **Swans Green Empire**
- **Swans Eco Village Phase-I**

Present: For Authority: Mr. Jainandra Kumar, Adv.
For Respondent: Mr. D.K Roy, Adv.

HEARING THROUGH VIDEO CONFERENCING

04/02/2022

PROCEEDING

Hearing taken up. Learned Counsel of the Authority is present. Adv. D.K. Roy appearing on behalf of Ex-Director- Roshan Verma is also present. No one turned up on behalf of the respondent company.

Learned Counsel of the Authority submits that an interim order was passed on against respondent Director Nishu Kamal and Ex-Director Mr. Roshan Verma. Since the respondent company was violating Section 3 of the RERA Act, 2016, suo moto notice was issued. He further submits that there were three Directors out of which two directors Mr. Sumit Sinha and Mr. Roshan Verma have resigned.

Adv. D.K. Roy appearing on behalf of Ex-Director- Roshan Verma, submits that his client along with Mr. Sumit Sinha applied for RERA registration on 11-06-2018 but due to some internal dispute, Mr. Roshan Verma resigned on 10-07-2019 and after fulfilling the formalities his name has been removed from ROC. He further submits after resigning, the respondent company started advertising without RERA registration after which Suo Moto notice was issued and first date of hearing was 18-10-2019 from RERA . It was for the present Director to appear but they did not , while his client did even though the cause of action had arisen after he had resigned. He further submits that an interim order was passed and bank accounts of the respondent company and its Directors including Mr. Roshan Verma were frozen. On 6-10-2020, an application was filed by Roshan Verma informing the Bench that he has resigned from the company. He further submits counsel for Mr. Sumit Sinha, Adv Sharad Shekhar was present on the last date of hearing.

The learned counsel reiterates his request for unfreezing his bank accounts. He further submits that he is not liable as per the Companies Act, 2013 as when the act was committed when he was not the Director of the company. In response to a query , he submits that is not aware of the present status of construction of and that no complaints were filed during his period.

Order Reserved.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman