**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**RERA/CC/518/2022**
**Sunil Singh &Ors. .....Complainant**
**Vs**
**M/S RD Eco Developers Pvt. Ltd. .....Respondent**

**Project: Krishna Enclave**

**02/08/2023** **PROCEEDING**

Hearing taken up. The complainants in persons and Shri Sumit Singh, learned counsel for the respondent is present.

The learned counsel for the respondents submits that the said registration of agreement filed by the complainant is forged and the designation of Shri Pramod Kumar, as Managing Director of the respondent company, is mentioned in the agreement and that the date of the agreement is not mentioned. The learned counsel for the complainants challenges the contention and submits that it is for the respondents to prove the documents to be forged and fabricated. He also submits that the dispute between the land owners and legal heirs is occasioned by him while executing the deed of agreement and this he has done after the project is registered with the Authority. The learned counsel for the complainant further submits that as per the development agreement, 50% share is of the land owner and the respondent has to bring out specific flat allotted to him in the 50% share. He also submits that the promoter may be restrained from entering into any agreement for sale whether it is registered or unregistered.

The learned counsel for the respondents submits that he has been selling the flats after buying the share from the land owner for which the consideration amount has been paid. He also submits that order for ban of registration of agreement to sale is not within the jurisdiction of the Authority.

The learned counsel for the complainant seeks time to file rejoinder. Time is allowed. Meanwhile, the promoter will file affidavit stating that the reaffirmation of contents of the reply and specifically stating that the document filed by the complainant is is forged. The Authority also observes that the documents

regarding purchase of share of the land owner by the promoter may also be placed on record. The details of the title suit which is pending between the land owners and the promoter may also be brought on record and also uploaded in the QPR as mentionedin the Rule and Regulation.

The learned counsel for the respondent also submits that since the share distribution agreement is not registered, it cannot be enforced in view of section 5 of the Apartment Act.

The question of law is as to whether the Authority can issue interim order after the stay, will be decided on the next date of hearing. Meanwhile the respondent would not make any fresh booking of apartments.

Put up for further hearing on 13.09.2023.

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| Sd/- | Sd/- | Sd/- |
| **S.D. Jha** | **Nupur Banerjee** | **Naveen Verma** |
| **Member** | **Member** | **Chairman** |