REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr Naveen Verma, Chairman

Case No.CC/66/2022

Sunil Kumar …….……Complainant

Vs

M/s Radha Rani Construction Pvt. Ltd. ……Respondent

Project: Rama Devi Castle

15/09/2023 **ORDER**

This matter was last heard on 25.07.2023 and fixed for orders on the issue of maintainability.

Learned counsel for the complainant had filed a petition on 08.06.2023 justifying maintainability of the petition. The respondent remained absent despite notice being issued. Hence, the order is being passed on the basis of materials available on records.

In the complaint petition, the complainant has mentioned that he is a co-promoter and has 40% share in the project and that the other partner, who has 60% share, is not fulfilling contractual obligation cast upon the promoter under the RERA Act. He has sought directions to open an Escrow account jointly and also restrain the respondent from creating any third party interest.

Perused the petition filed by the learned counsel for the complainant. He has referred to non-compliance of various provisions of the Act and that the complainant as a co-promoter and signatory of the development agreement would be jointly liable for the shortcomings.

The Authority observes that Section 31 of the Act provides that the cases may be filed by a promoter against an allottee or vice versa. The Authority is not mandated to redress the grievance among the partners of the promoter company. The Authority, therefore, holds that the petition is not maintainable under section 31 of the Act.

However, the issues raised by the complainant regarding compliance of various Sections of the Act and the registration of the project may be examined by the Registration Wing/ Compliance Wing of the Authority.

With these directions and observations, the matter is disposed of.

Sd/-
Naveen Verma
Chairman