

# छत्तीसगढ़ भू-संपदा विनियामक प्राधिकरण रायपुर

आदेश पत्रिका

क्रमांक -

प्रकरण क्रमांक—M-PRO-2019-00679

आवेदक : श्री अतीत अग्रवाल, निवासी—ई/18, आनंदम वर्ल्ड सिटी, कचना, रायपुर (छ.ग.)  
विरुद्ध मेसर्स गोल्ड ब्रिक्स इन्फ्रास्ट्रक्चर प्रा.लि., द्वारा—डायरेक्टर—श्री राकेश सरौगी,  
निवासी—आनंदम वर्ल्ड सिटी, जी.ए.डी. कॉलोनी, कचना मेन रोड, रायपुर (छ.ग.)

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	<ol style="list-style-type: none"><li>1. Four Similar cases taken together.</li><li>2. Complainant through LA Mr. Akash Gupta.</li><li>3. Respondent through LA Mr. Shashwat Surana.</li><li>4. Respondent has filed application under sec-35 of RERA Act and Rule 24 of Chhattisgarh RERA Rules, 2017 for the appointment of an independent commissioner/Architect for spot inspection of construction (including house) done by complainants in the project. Respondent has alleged in his application that Applicants have violated the terms and conditions of approved layout. Respondent has also raised objections regarding the sanyuktikaran (merger) of plots done by complainants and Rajinama done with the concerned Authority. The Respondent has stated that complainants have violated the terms of and conditions mentioned in the sale deed by digging well in the plot in question without taking NOC from respondent/builder. Respondent has stated further that the complainants have not constructed the houses in question, as per approved layout; and illegal constructions have been done by them. Based on above mentioned facts Respondent has requested for appointment of commissioner to give findings on the following -<ol style="list-style-type: none"><li>(a) Sanyuktikaran and Rajinama done by complainants.</li><li>(b) Whether the construction done by complainants is as per approvals and permissions obtained by them.</li></ol></li></ol>	

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	<p>(c) Whether the borewell dug by them is as per law and prevailing rules.</p> <p>(d) Whether the complainants can use footpath, which is part of common area, for parking.</p> <p>5. The complainants have submitted reply regarding above mentioned application stating that the application submitted by NA is arbitrary and against the prevailing law. Complainants have stated further that initiating such enquiry is out of the jurisdiction of Hon'ble Authority. Complainants have mentioned that the appropriate forum for seeking such inspection is Nagar Nigam, Raipur and the Authority cannot direct Nagar Nigam, Raipur in this matter. Complainants have added further that Respondent has given NOC to Raipur Municipal Corporation and Town &amp; Country Planning department, Raipur on 6th August, 2015; that construction can be done by the Complainants as per their "Convenience and case to use". Complainants have rebutted the allegations regarding Sanyuktikaran and Rajinama. Complainants have alleged that the Respondent has filed the application with malafide intentions to harass the complainants and have prayed to dismiss the application submitted by NA as infructuous and to impose cost on Respondent.</p> <p>6. After hearing learned counsels for the parties at length, question that emerges for consideration is that:- "whether appointment of commissioner should be done for the inspection requested by the Respondent in his application." The first issue raised by Respondent in</p>	

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	<p>his application for inspection is that the Sanyuktikaran of plots and Rajinama done by the complainants with the concerned Authority is not in accordance with prevalent law and Rules. The complainants in their reply have rebutted the above. The merger of plots and Rajinama is done by the Competent Authority as per prevalent law and Rules. If the Respondent feels that there has been any discrepancy in the procedure followed for Sanyuktikaran/Rajinama, he should approach appropriate forum regarding above stated grievances. Independent inspection on orders of the Authority does not seem appropriate for the above. Similarly, Respondent has raised the issue of violation of approved layout done by complainants. If the complainants have violated approved layout and done illegal construction, then the Competent Authority for demolition of alleged illegal construction is Raipur Municipal Corporation. The Authority, under the provisions of RERA Act, is not the appropriate forum for removal of illegal construction. So, inspection regarding above is not required. Respondent has also raised the issue of borewell work carried out by the complainants. The complainants, in their reply have accepted that they have dug borewell on their plot. The changes in water level due to the borewell work carried out by complainants cannot be ascertained through any inspection. Respondent has also sought findings for use of common footpath as parking by complainants through inspection. It is already a known fact that any common area of the project cannot be utilised by any</p>	

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	<p>allottee for his personal use. If the complainants are using common footpath for parking, they are hereby directed to not use common footpath for personal vehicle parking.</p> <p>In the light of above mentioned facts, the appointment of commissioner and spot inspection requested by the respondent seems unnecessary. Therefore, the application filed by the Respondent is disallowed.</p> <p>7. Case fixed for further proceedings.</p> <p style="text-align: center;">Sd/- <b>(Vivek Dhand)</b> Chairman</p>	

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