

BIHAR REAL ESTATE APPELLATE TRIBUNAL

FOLLOWING AMMENDENT IN THE REGULATION TO REGULATE ITS PROCEDURE IN
CHAPTER – VII NOTIFICATION DATED 10-08-2021

Bihar Real Estate Appellate Tribunal Regulations, 2019

Notification Dt. 10-08-2021 – In exercise of the powers conferred by Sub-section 2 of Section 53 Real Estate (Regulation and Development) Act, 2016 the Bihar Real Estate Appellate Tribunal, hereby makes the following amendment in the Regulation to regulate its own practice and procedure in chapter-VII

CHAPTER - VII

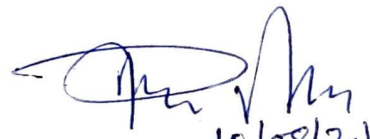
DEALING WITH EXAMINATION AND REGISTRATION OF PROCEEDING

1. Short title and Commencement.

- i. This Regulation may be called the Bihar Real Estate Appellate Tribunal, (Amendment) Regulation 2021.
- ii. This Regulation shall come into force with immediate effect.

2. The following new proviso shall be added in section 10 after Sub section ii(c) of the Regulation in Chapter-VII.

- C (i):- “Whether the memorandum of appeal is filed complying the provision of section 43 sub-section (5) of the Real Estate (Regulation and Development) Act, 2016 regarding deposit of at least thirty percent of the penalty or such higher percentage as my be determined by the Appellate Tribunal or the total amount to be paid to the allottee including principal amount, interest and compensation imposed on him, if any or with both, as the case may be before the said appeal is heard.”


10/08/21
(Justice Arun Kumar)

Chairman

Bihar Real Estate Appellate Tribunal,
Bihar, Patna

Bihar Real Estate Appellate Tribunal Regulations. 2019

**APPENDIX
FORM - A
CHECKLIST FOR SCRUTINY OF APPEAL**

Appeal no----- Complaint No-----

Parties----- Vs.-----

- 1 Legal provision: U/sec. _____ of RERA Act
- 2 Whether the name of the parties and their addresses are
Properly mentioned in the Appeal Memo..... Yes/No
- 3 Whether certified copy of impugned Order/Judgment
Is filed with the appeal..... Yes/No
- 4 What is the:-
 - a) Date of the order :-..... Yes/No
 - b) Date of its communication to the party by RERA :-..... Yes/No
 - c) Date of application for certified copy :-..... Yes/No
 - d) Date on which copy was ready :-..... Yes/No
 - e) Date of receipt of certified copy :-..... Yes/No
 - f) Date of filing of appeal :-..... Yes/No
 - g) Date of submission of hard copy of Appeal Memo:-..... Yes/No
 - h) Whether there is any delay in submission of hard
copy of Appeal Memo :-..... Yes/No
If yes. How many days :-..... Yes/No
- 5 Is appeal filed within limitation (60 days)
(from the date of receipt of order)..... Yes/No
- 6 Whether there is any delay in filing of appeal
If yes, how many days :-..... Yes/No
- 7 Whether application for condonation of delay is filed
With appeal :-..... Yes/No
- 8 Whether requisite fees paid
If yes, copy of the receipt & date of payment :-..... Yes/No
- 9 (i) Whether Appellant the promoter has deposited at least 30% of the penalty imposed by the
Impugned order or such higher percentage as directed by Tribunal. Yes/No/N-A
(ii)* The total amount to be paid to the allottee including principal amount interest/ and
compensation, imposed on him by impugned order , if any, or with both as the case may be,
before the Appeal is heard Yes/No/N-A
- 10 Whether the referred documents are filed with Index
& pagination :-..... Yes/No
- 11 Whether three copies has been filed..... Yes/No
- 12 Whether Vakalatnama / Authorization is filed and
Properly stamped..... Yes/No
- 13 Whether e-mail/ phone/ Mobile/ fax No. is on record..... Yes/No
- 14 Complaint filed before RERA..... Yes/No
- 15 Show cause filed by the opposite party-..... Yes/No

Signature of the Clerk, Scrutiny Branch.

Submission :

Matter be placed before Hon'ble Chairperson for seeking Allotment Order.

*Added vide order dt. 10-08-2021

Registrar, Bihar REAT