

# **BIHAR REAL ESTATE APPELLATE TRIBUNAL REGULATIONS, 2019**

## **NOTIFICATION**

**BIHAR REAL ESTATE APPELLATE TRIBUNAL  
REGULATIONS, 2019**

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# Contents

<b>CHAPTER I</b>	PRELIMINARY-----	3
<b>CHAPTER II</b>	AREA OF JURISDICTION-----	5
<b>CHAPTER III</b>	LANGUAGE-----	5
<b>CHAPTER IV</b>	DRESS AND DISCIPLINE-----	6
<b>CHAPTER V</b>	SITTINGS, WORKING HOURS AND CALENDAR-----	6
<b>CHAPTER VI</b>	PRESENTATION OF PROCEEDINGS-----	8
<b>CHAPTER VII</b>	EXAMINATION AND REGISTRATION OF PROCEEINGS-----	10
<b>CHAPTER VIII</b>	SERVICE OF SUMMONS/APPEARANCE OF RESPONDENTS AND OBJECTIONS-----	11
<b>CHAPTER IX</b>	HEARING OF APPEAL-----	12
<b>CHAPTER X</b>	DEATH AND INSOLVENCY OF PARTIES-----	13
<b>CHAPTER XI</b>	JUDGMENT AND DECREE-----	13
<b>CHAPTER XII</b>	OFFICERS OF THE TRIBUNAL-----	14
<b>CHAPTER XIII</b>	REGISTERS-----	18
<b>CHAPTER XIV</b>	RECORDS-----	19
<b>CHAPTER XV</b>	CERTIFIED COPY-----	20
<b>CHAPTER XVI</b>	REMOVAL OF DIFFICULTIES AND ISSUANCE OF DIRECTIONS-----	23
<b>CHAPTER XVII</b>	CONFIDENTIALITY-----	24
<b>CHAPTER XVIII</b>	GENERAL POWERS TO AMEND/RECTIFY-----	25
<b>CHAPTER XIX</b>	SAVING OF INHERENT POWERS OF THE TRIBUNAL-----	25
<b>CHAPTER XX</b>	EXTENSION OR ABRIDGMENT OF TIME PRESCRIBED-----	26
<b>CHAPTER XXI</b>	MESCELLANEOUS-----	26
	APPENDIX-----	27

# **BIHAR REAL ESTATE APPELLATE TRIBUNAL, PATNA**

## **NOTIFICATION**

### **BIHAR REAL ESTATE APPELLATE TRIBUNAL REGULATIONS, 2019.**

In exercise of the powers conferred by Sub-Section 2 of Section 53 Real Estate (Regulations and Development) Act, 2016, and also by section(27) 7 of the Bihar Real Estate Appellate Tribunal, Rules, 2017, hereby makes the followings to regulate its own practice and procedure.

#### **CHAPTER I**

#### **PERLIMINARY**

##### **1) Short title and Commencement**

- i. These regulations may be called the Bihar Real Estate Appellate Tribunal Regulations, 2019.
- ii. These Regulations shall come into force from the date of uploading on the Website of Bihar Real Estate Appellant Tribunal.
- iii. These regulations shall apply in relations to all matters falling within in Jurisdiction of the Tribunal in the State of Bihar.

##### **2) Definitions**

(A) In these Regulations, unless the context otherwise requires:

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- i. "Act" shall mean the Real Estate (Regulation and Development) Act, 2016, as amended from time to time.
  - ii. "Appeal" means an appeal filed under sub-section (1) of Section 44 of the Act read with Rules framed there under.
  - iii. "Authorised Person" means a person authorised by the appellant/s and respondent/s to represent him/them before the Tribunal and the term includes the Persons as explained in Sections 56 of "the Act".
  - iv. "Chairperson" means the Chairperson of the Bihar Real Estate Appellate Tribunal appointed under section 46 (2) of "the Act".
  - v. "Code" means of Code of Civil Procedure, 1908, as amended from time to time.
  - vi. "Consultant" includes any person not in the employment of the Tribunal who may be appointed to assist the Tribunal on any matter required to be dealt with by the Tribunal under the Act, Rules and Regulations there under.
  - vii. "Member" means Member of the Bihar Real Estate Appellate Tribunal appointed under section 46(3) of "the Act".
  - viii. "Proceedings" mean and include proceedings of all nature that the Tribunal may conduct in discharge of its functions under the Act and the Rules and the Regulations there under.
  - ix. "Registrar" means the Registrar of Bihar Real Estate Appellate Tribunal and includes an officer of the Appellate Tribunal who is authorised by the Chairperson to act as Registrar.
- (B) Words or expressions occurring in these Regulations and not defined herein shall bear the same meaning as assigned to them in the Act and the Rules There under.

# **Bihar Real Estate Appellate Tribunal Regulation-2019**

## **CHAPTER II**

### **AREA OF JURISDICTION**

- 3) BIHAR Real Estate Appellate Tribunal Regulations, 2019 shall be applicable to the whole of the State of BIHAR.

## **CHAPTER III**

### **LANGUAGE**

#### **4) Language of the Tribunal**

- i. The proceedings of the Appellate Tribunal shall be conducted in English.
- ii. No appeal. Application, document or other papers contained in any language other than English, shall be accepted by the Tribunal unless the same is accompanied by true translation thereof in English and countersigned by the party concerned.

# **Bihar Real Estate Appellate Tribunal Regulation-2019**

## **CHAPTER IV**

### **DRESS AND DISCIPLINE**

#### **5)**

- i. The dress code for male employees/officers of the Tribunal shall be sober dress i.e. full shirt and trouser for male employee and sober Kurta and Pajama or saree and blouse for female employee. Registrar shall wear black coat and tie, personal Assistant (PA) and Private Secretaries shall also wear black coat and tie.
- ii. The advocates appearing before the Tribunal shall wear the same professional dress as prescribed under the Advocate Act for appearance before the Court. The wearing of gown is optional.
- iii. Where other legal representatives like that of chartered accountant, etc. and if any dress is prescribed for appearing in their professional capacity before any Court, Tribunal or Appellate Tribunal or other such authority, may wear the same dress.
- iv. The party who has engaged a legal practitioner to appear for him before the Tribunal shall not be entitled to be heard in person unless permitted by the Tribunal.
- v. In the court hall or in any hearing before the Tribunal, no cell phone or any other electronic gadgets shall be used or operated.
- vi. All other persons appearing before the Appellate Tribunal shall be properly dressed.

## **CHAPTER V**

### **SITTINGS, WORKING HOURS AND CALENDAR**

#### **6) -Sittings**

- i. The head office of the Appellate Tribunal shall be at PATNA.

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- ii. The Appellate Tribunal may conduct its proceedings at the head office. The Appellate Tribunal may conduct its proceeding at the head office or at any other place within its jurisdiction as may be decided by the Chairperson.
  
- iii. In absence of the Chairperson the other two Members may conduct the proceedings of the Tribunal; however if both member could not decide the case unanimously, in such situation, the matter shall be placed before the full bench.

### **7) Working Hours**

- I. The office working hours of the Tribunal shall be from 9:30AM to 6:00PM with 45 minutes recess from 1:30 PM to 2:15 PM.
- II. The sittings of Tribunal shall be from 11:00 AM to 1:30 PM and from 2:15 PM to 4:30 PM.
- III. The filing counter of the Registry shall be open on all working days from 9:30 AM to 1:30 PM AND 2:15 PM TO 4:30 PM or as may be notified by the Appellate Tribunal from time to time.

# **Bihar Real Estate Appellate Tribunal Regulation-2019**

## **CHAPTER VI PRESENTATION OF PROCEEDINGS**

### **8) Presentation of Proceedings**

- I. All appeals to be instituted with the Tribunal shall be Presented in form 'L' in triplicate as per section 44 of Real Estate (Regulation and Development) Act 2016 and under the Rule 27(2) of the Bihar Real Estate (Regulations of Development) Rules, 2017.
- II. Every appeal shall be accompanied by a fee of Rs. 5000/- (Rs- Five Thousand only) in the form of a demand draft or a bankers cheque in favour of Appellate Tribunal and Payable at State Bank of India, Vishweshawaraiya branch or through on line payment.
- III. The hard copy of such appeals along with attachments shall be presented to the Office of the Registrar or the authorized person within seven (7) days from the date of online filing. On failure to submit hard copies within time, such appeals shall be notified by the Registry for dismissal for want of hard copies.
- IV. All other with attachments, if any, shall instituted in the Office of the Registrar till the online system is in place.
- V. All Proceedings to be presented to the Tribunal shall be in English and in case it is in some other language, it shall be accompanied by a true translation of the same in English and shall be legible, type-written or printed in double spacing with proper margin, duly paginated, indexed and stitched together in paper book form and shall be presented in triplicate.
- VI. The authorized official, on receipt of proceeding/ appeal shall affix the date and seal of the Tribunal on all pages under his initials and thereafter shall on the same day send it to the Registrar.



## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- VII. Court fee stamps affixed on Vakalatnama, Letter of Authorisation and the documents shall be checked and entered after due cancellation in the Court Fee Register to be maintained as per the procedure.
- VIII. In case of delay, if the last day of filing falls on a holiday, that day and succeeding holidays shall be excluded for the purpose of reckoning the period of limitation. Appeal may be presented on the next working day succeeding the holidays from the last date of limitation.
- IX. On examination of appeals, if the Registrar finds the same in order he shall seek appropriate orders from the Chair person for placing this matter before the Tribunal.

### **9) Documents to accompany memorandum of Appeal**

- i. (a) True copy of the order against which the appeal is filed (b) a copy of complaint filed before RERA along with copies of documents. (c) Copies of documents relied upon by the Appellant and referred in the appeal and (d) an index of the document.
- ii. Memorandum of Appeal with attachments with adequate number of copies to be served for all respondents;
- iii. If appeal is presented through an Advocate, necessary Vakalantnama duly attested with necessary court fee stamp and Advocate Welfare Fund Stamp, if applicable. Vakalantnama shall contain the address of the advocate with Enrollment Number, e-mail ID, Mobile Number etc. for proper communication;
- iv. In the event a proceeding is filed by an authorised representative, chartered accountant, cost accountant or company secretary as provided in Section 56 of the Act, Power of Attorney or authority letter in original.
- v. Certified copy of the impugned order;
  
- vi. All the documents shall be produced along with the list of documents (Form B);

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- vii. An application for condonation of delay when appeal is presented after expiry of period of limitation.
- viii. Other documents, if any in accordance with the law and rules framed there under.

### **CHAPTER VII**

## **EXAMINATION AND REGISTRATION OF PROCEEDINGS**

### **10) Appeal**

- i. The Registrar shall examine the appeal as expeditiously as possible but not beyond 3 working days from the date of receipt thereof.
- ii. As soon as the memorandum of appeal is presented, the Registrar should examine it as per checklist (Form A) with a view to ascertaining-
  - a. Whether presentation of the appeal is duly authorised;
  - b. Whether appeal is in time and if not, whether an application for condonation of delay is filed as provided in Sub Section 2 for Section 44 of the Real Estate (Regulation and Development) Act, 2016:
  - c. Whether memorandum of appeal is filed in accordance with the 44 of the Real Estate (Regulation and Development) Act 2016 and Rule 27 (2) of the Bihar Real Estate Tribunal (Regulation and Development) Rule 2017 accompanied by the certified copy of the impugned judgment/order, Copies of Documents relied upon by the Appellant as referred in the appeal.
  - d. Whether appeal is properly stamped i.e. court fee is paid.
  - e. Whether names of the parties stated in the memorandum correspond to the names in the copies annexed;

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- f. Whether addresses given are registered addresses of the parties;
  - g. Whether requisite registration fee as prescribed is paid.
- iii. Where the Registrar finds that memorandum of appeal does not comply with any of the requirements referred to in sub-paragraph (ii) above, or is open to any objection(s), such application should be notified for removing defect (s) and may call up-on the Appellant (s) or his lawyer, authorised representative, chartered accountant or company secretary, as the case may be, to comply with requirements and remove the objection (s). In case of non-compliance within 3 working days, memorandum shall be placed before the appropriate Bench for orders.

### **11) MISCELLANEOUS APPLICATIONS AND EXECUTION PETITIONS**

- i. On receipt of Miscellaneous Applications and Execution petitions, the Registrar shall examine the same in view of the provisions of preceding rule 11.
- ii. Miscellaneous Applications and Execution Petitions shall be registered separately as Miscellaneous Applications and Execution Petitioner respectively.

## **CHAPTER VIII**

### **SERVICE OF SUMMONS/APPEARANCE OF RESPONDENTS AND OBJECTIONS**

#### **12) Service of Summons/Notice**

- i. All summons or notices are to be served on other side, by registered post or courier and e-mail.

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- ii. In the event, any application is presented by appellant or respondent during the pendency of any proceeding, notice of the same should be served in advance to the other side or to their representative as the case may be.
- iii. If any summons/notice is returned unserved, registry to notify the same immediately on notice board. Appellant or Applicant or his authorized representative shall within three days from the date of return of summons/notice take steps to serve the summons/notice afresh.
- iv. In case of failure to take steps as per (iii) above, consequences to follow in accordance with the law.
- v. The respondent may file objections or cross objections in three sets with all relevant documents relied upon within 7 days from the date of first appearance.

### **CHAPTER IX**

#### **HEARING OF APPEAL**

##### **13)**

- I. No new documents which have not been produced or relied upon before the Authority shall be produced at the time of filing appeal. However, if any application is filed for production of additional documents or evidence, the same may be considered by the appellate Tribunal after giving opportunity to the other side.
- II. The appeal shall be dealt with as expeditiously as possible and endeavour shall be made to dispose of the appeal within a period of sixty days from the date of receipt of the appeal preferably as per section 44(5) of the Real Estate (Regulation & Development) Act 2016.

## **CHAPTER X**

### **DEATH AND INSOLVENCY OF PARTIES**

**14)**

- i. Where in a proceeding, any of the parties to the proceeding dies, the proceeding shall be continued and adjudicated with successors-in-interest in case of individual or partnership firm as in the case of an insolvent, the official receiver or assignee, as in the case of a company under liquidation/winding up, the proceedings shall continue with, the executor, administrator, liquidator or other legal representative of the party concerned as the case may be.
- ii. In case of death of any parties of the proceeding, the application for bringing up the successors-in-interest shall be filed within 60 days, if not filed within 60 days; the application/proceeding shall be treated as abated.

## **CHAPTER XI**

### **JUDGMENT AND DECREE**

**15)** For judgment and decree, provisions of Order XX of the Code of Civil procedure may assist as guidelines.

## **CHAPTER XII**

### **OFFICERS OF THE TRIBUNAL**

#### **16)**

- i. The Registrar and OSD are two superior officers of the Tribunal. The Registrar shall be the Chief Ministerial Officer for the purpose of Court work and Administration. OSD shall be the Chief Ministerial Officer in the absence of Registrar and for the purpose of Accounts.
- ii. The Tribunal may appoint or engage Consultants to assist the Tribunal in the discharge of its functions.

#### **17) powers and duties of the Officers**

##### **(A) Registrar**

1. The Official seal shall be kept in the safe custody of Registrar
2. The registrar shall have following powers and functional namely:-
  - a. Sign receipts for papers received in the Tribunal;
  - b. Sign registers and books of proceedings and notices on the notice board;
  - c. Sign 'By Order';

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- d. Perform such duties and exercise such powers in relation to the recruitment of staff of the Tribunal;
- e. Issue certified copies of the judgments, orders, decrees of the Tribunal and documents filed in the proceedings as per the procedure;
- f. Receive all appeals, execution petitions. Miscellaneous applications and other documents relating to proceedings presented to the Tribunal;
- g. Examine all appeals and applications so received as per the Act and regulations and take further appropriate action;
- h. Endorse on such appeals and applications the date of receipt for the purpose of calculation limitation;
- i. Authenticate translation;
- j. Arrange the board fixing the appeals etc. for hearing;
- k. Receive replies, cross objections, rejoinders in appeals and cross appeals;
- l. Endure maintenance of and sign cause list.
- m. Issue certified copies of the judgments, orders, decrees of the Tribunal and documents filed in the proceedings as per the procedure;
- n. Discharge functions, as Chief Ministerial Officer relating to leave of absence, establishment, pay and allowances, contingent bills, estimates and similar matter of administration under the control of the chairperson;

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- o. Exercise a general control over the matters relating to arrangement, maintenance and destruction of records;
  - p. Return the documents in disposed of cases by substituting certified copy/copies wherever necessary;
  - q. Return original documents etc. produced by the parties in the Tribunal whenever they apply for the return;
  - r. Carry on routine correspondence as may be required; after being Substituted by respective photo copy duly attested.
  - s. Be overall in charge of compliance of writs, drawing of decrees, copying establishment, accounts, stationery, dead stock register, library, records and protocol;
  - t. Any other duties as may be assigned by the Chairperson.
  - u. Periodic inspection of office every month.
- ii In the absence of the Registrar, O.S.D/ any other Officer authorized by the Chairperson, shall exercise functions of the Registrar.
- iii The Chairperson, suo moto or on an application made by any interested or affected party may review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by Registrar or any officer of the Tribunal, if considered appropriate.

**B O.S.D:-** The work as assigned by the Chairperson.

### **C Accounts Officer**

Accounts Officer shall be Chief Ministerial Officer for the propose of Accounts. He shall perform other duties as may be assigned by the Chairperson.



**The office Superintendent/Section officer shall perform following duties:**

- i. Custodian of the record of the Tribunal.
- ii. Arrange the proceedings as per classification of records.
- iv. Maintain daily cause list.
- v. Transmit the record and proceedings promptly for in charge.
- vi. Deposit the proceedings on disposal with the record in charge.
- vii. Prompt compliance of writs.
- viii. Any other duties as may be assigned.

**CHAPTER XIII  
REGISTERS**

- 18) The following Registers shall be maintained and necessary entries shall be posted on day to day basis by an official as the Registrar may nominate, subject to any order of the Chairperson.
- I. Appeal Register
  - II. Caveat Register
  - III. Complaint Register
  - IV. Miscellaneous Applications Register
  - V. Unnumbered Appeal Register or Application (S.R) Register
  - VI. Subsistence Allowance Register
  - VII. Review Petition Register
  - VIII. Execution Petition Register
  - IX. Writ Register
  - X. Register of disposed of cases category wise
  - XI. Certified Copy Register
  - XII. Library Register
  - XIII. Stationery Register
  - XIV. Pass Book
  - XV. Postage Stamp Register
  - XVI. Challan Register
  - XVII. Cash Book

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- XVIII. Register of TDS and GST details
- XIX. Cheque Register
- XX. Fixed Asset Register
- XXI. Investment Register
- XXII. Petty Cash Register
- XXIII. Fees Register
- XXIV. Penalty Register
- XXV. Permanent Advance Register
- XXVI. Refund Register
- XXVII. Contingent Expenditure Register
- XXVIII. Payment Register
- XXIX. Acquaintance Roll Register
- XXX. Attendance Register
- XXXI. Records Muster Register
- XXXII. Fine register
- XXXIII. Dead Stock Register
- XXXIV. Inward and Outward Registers

### **CHAPTER - XIV RECORDS**

19) The Office to follow guidelines contained in chapter XIV of the Rules at High Court of Patna regarding preservation and destruction of record are concerned until the Tribunal's rules in this regard is formulated.

# **Bihar Real Estate Appellate Tribunal Regulation-2019**

Classification, Preservation and Destruction of Record of the Tribunal is in place.

## **CHAPTER - XV CERTIFIED COPY**

### **20) A Certified Copies of Order**

- i. A party to any proceeding may, on application on the prescribed Court fee, made to the Tribunal, obtain a certified copy of any judgment, order or any document filed in the proceeding. The application may be made by the party himself or by his recognised agent or by his pleader or Advocate and may also be sent by post.
- ii. The application shall state whether the copy applied for is required for private use or otherwise.
- iii. Where a party applies for a certified copy by post other than registered post, the date of its receipt by the office of the Tribunal would be the date of the presentation of the application. Whenever such application is made by registered post, the same shall be prepaid for acknowledgment and the date of receipt of the letter would be the date of presentation of the application to the Tribunal.
- iv. Applications for copies by persons other than parties to the proceeding shall be supported by an affidavit stating the purpose for which the copies are sought.
- v. On receipt of an application, the office shall immediately scrutinize it with a view to ascertaining the correct number of the proceeding, names of the parties, description of the document copy of which is applied for, and whether the document is available for coping.

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- vi. The office shall estimate the costs of the copies before the copying work is undertaken. The estimate should, as far as possible, cover all costs of the copies.
- vii. The applicants shall be called upon to deposit the estimated costs of the copies applied for, and make up other deficiencies then and there only if his presence is available in the office. In other cases, Registrar to pass the orders requiring the applicant to make good the deficiencies within a specified period of time, not exceeding seven days from the receipt of the intimation.
- viii. If the applicant fails to furnish the estimated cost or to make good the deficiencies within one month from the date of issuance of notice, his application for copy shall be filed and the amount due to him, if any, should be refunded after deducting the charge incurred if any.
- ix. As soon as the office finds that the application is complete in all respects, Registrar to pass orders granting or refusing the application.  
In case the Registrar refuses to grant the application, the grounds for refusal shall be recorded on the application and such refusal and the grounds thereof shall be communicated to the applicant in writing.
- x. The ordinary copies shall be furnished within 7 days of the presentation or receipt of the application, if the application is complete on that date, unless further delay is unavoidable in which case the cause shall be endorse on the copy. In other cases, the period of 7 days shall be computed from the date on which the application is complete in all respects, excluding the holidays.
- Xi urgent copies shall be furnished within 48 hours from the time the application is found to be complete, excluding the holidays.

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- xii When a party applies for a copy of an appellate judgment for the purposes of filling a further appeal or revision, he shall be furnished with a copy not only of the judgment but also of the grounds of appeal and of the cross objections, if any, unless these are incorporated in the judgment itself.
- Xiii Copies of any document on the record if required by a party may in the discretion of the Registrar, be certified as true copies upon an application made on his behalf.
- xiv (1) The following endorsement shall be made on every copy of the document:-
  - a) The date on which the copy was applied for.
  - b) The date on which application was complete.
  - c) The date (when the date once given is subsequently changed, the last of such changed dates) given to the applicant for taking delivery of the copy.
  - d) The date on which the copy was ready for delivery.
  - e) The date on which it was delivered or posted.
- (2) To prevent unauthorised alterations being made, the date shall be signed by the Registrar on the date on which it was made.
- xv The certified copies shall be charged at the following rates:-
  - a) A flat rate of Rs. 4 for ordinary printed/ photocopy and Rs. 7 for urgent printed/ photocopy shall be charged per page of the certified copy inclusive of coping, comparing and paper cost irrespective of the whether the document is in Hindi.

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- b) In case of ordinary and urgent typed copy Rs. 10 and Rs. 15 per page of the certified copy shall be charged respectively.
- c) In case of a copy of map or plan, the charges for coping, comparing and paper cost shall not be less than Rs. 5 and more than Rs. 25 as the Registrar may determine.
- d) In case of comparison and certification of private copies prepared on private Photocopying Machine, the charge shall be Rs. 10 per page.
- e) The court fee stamps as may be prescribed under the court Fees shall be affixed on application for certified copies.
- xvii. In case the estimate deposit falls short of the charges which would have to be recovered in respect of the copies, the balance shall be recovered from the parties concerned before the copies are delivered personally. In case the applicant applies for such copies by post, it will be responsibility of the party to collect the copies by paying the deficit.
- xviii. All copies should be correct, printed, typed or photocopied clearly and shall be dated, subscribed and duly sealed.

### **CHAPTER XVI**

#### **REMOVAL OF DIFFICULTIES AND ISSUANCE OF DIRECTIONS**

- 21) Notwithstanding anything contained in the Regulation, wherever the Regulations are silent or no provision is made, the Chairperson may issue appropriate directions to remove difficulties and issue such orders or circulars from time to time to govern the situation or contingency that may arise in the working of the Appellate Tribunal.

# **Bihar Real Estate Appellate Tribunal Regulation-2019**

## **CHAPTER XVII**

### **CONFIDENTIALITY**

22)

- i. The Tribunal shall appraise and determine whether any document or evidence produced by any party and claimed by that party to be of a confidential nature is to be withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.
- ii. If the Tribunal is of the view that the claim for confidentiality is justified the Tribunal may direct that the same be not provided to such parties as the Tribunal may deem fit. however, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.
- iii. Notwithstanding the above, it shall be open to the Tribunal to take into consideration the contents of the documents found to be confidential in arriving at its decision.
- iv. the Tribunal may direct any person either to appear, to give evidence or to produce any document or books of accounts and such document or evidence produced may be ordered to be kept in the safe custody of any one of the officers of the Tribunal.



**CHAPTER XVIII**

**GENERAL POWERS TO AMEND/RECTIFY**

**23)**

The Tribunal may, at any time and on such terms as to or otherwise, as it may think fit, remove any defect or error apparent on the face of record in any proceedings before it (including any clerical or arithmetical error in any order passed by the Tribunal), either on an application filed by any one of aggrieved parties or suo moto, within 30 days from the date of the order the Tribunal shall not pass any order on the said application if entertained without giving notice to other side. Provided that if the Tribunal desire to make amendments or rectification in the order to determine such issue, the Tribunal shall provide an opportunity to the parties affected by such amendment or rectification touching such issue to make representations and submissions with respect to the proposed amendment and submissions with respect to the proposed amendment or rectification.

**CHAPTER XIX**

**SAVING OF INHERENT POWERS OF THE TRIBUNAL**

**24)**

- i Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Tribunal.
- ii Nothing in these Regulations shall bar the Tribunal from adopting in conformity with the provisions of the Act or Rules, a procedure, which is at variance with any of the provisions of these Regulations, if the Tribunal, in view of the special circumstance of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for so dealing with such a matter or class of matters.

# **Bihar Real Estate Appellate Tribunal Regulation-2019**

- iii Nothing in these Regulations shall bar the tribunal to deal with any matter or exercise any powers under the Act or Rules, for which no regulations have been framed, and the Tribunal may deal with such matters, powers and functions in a manner it thinks fit.

## **CHAPTER XX EXTENSION OR ABRIDGEMENT OF TIME PRESCRIBED**

- 25) The time prescribed by the Regulations or by order of the Tribunal for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reasons by an order of the Tribunal subject to the provisions of the Act and the Rules.

## **CHAPTER XXI MISCELLANEOUS**

- 26) The Tribunal shall make an endeavour to put online system in place in respect of functions relating to the Tribunal. The aforesaid Regulations shall remain in force till they are amended, modified or substituted from time to time.

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**9<sup>th</sup> January 2020**

**Chairperson  
Bihar Real Estate Appellate  
Tribunal**

ज्ञापांक-227 /

दिनांक. 09.01.2020

प्रतिलिपि:- सभी [पदाधिकारी / कर्मचारीगण](#) भू-सम्पदा अपीलीय न्यायाधिकरण  
बिहार, पटना को सूचनार्थ एवं आवश्यक कार्याथ प्रेषित ।

निबंधक  
भू-सम्पदा अपीलीय न्यायाधिकरण  
बिहार, पटना ।

## Bihar Real Estate Appellate Tribunal Regulation-2019

### APPENDIX FORM A CHECKLIST FOR SCRUTINY OF APPEAL

Appeal No.-----Complain No.

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

1. Legal provisions: U/sec. \_\_\_\_\_ of RERA act.
2. Whether the name of the parties and their address 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 :-
  - b) Date of its communication to the party by RERA :-
  - c) Date of application for certified copy:-
  - d) Date on which copy was ready:-
  - e) Date of receipt of certified copy :-
  - f) Date of online filing of appeal :-
  - g) Date of submission of hard copy of Appeal Memo :-
  - h) Whether there is any delay in submission of hard copy of Appeal Memo :- Yes/No  
If yes. How many days :-
5. Is appeal filed within limitation (60 days):-  
( from the date of receipt of order)
6. Whether there is any delay in filing of appeal : Yes/ No  
If yes, how many days :-
7. Whether application for condonation of delay is filed With appeal :- Yes/ No  
If not, raise its objection.
8. Whether requisite fees paid :- Yes/No  
If yes, copy of the receipt & date of payment :-

## **Bihar Real Estate Appellate Tribunal Regulation-2019**

- |  |         |
|--|---------|
| 9. Whether Appellate the promoter has deposited at Least 30% of the penalty if improved in the impugned order          | Yes/No  |
| 10. Whether the required documents are filed with Index & pagination :-<br>If yes, whether the documents are legible:- | yes/No  |
| 11. I) Whether the copy of appeal memo is annexed for Giving the same to other Sid :                                   | Yes/ No |
| ii) Or served to other side by post / courier :  | Yes/No  |
| 12. Whether Vakalatname / Authorization is filed and Properly stamped  |         |
| 13. Whether e-mail/ phone/ Mobile No. is on record :-  | Yes /No |

**Signature of the Clerk scrutiny Branch**

**Submission:** Matter placed before hon'ble Chairperson for seeking Allotment Order.

Registrar, Bihar REAT

**Bihar Real Estate Appellate Tribunal Regulation, 2019**

**FORM B  
LIST OF DOCUMENTS**

<b>SI.No.</b>	<b>Description of Documents</b>	<b>Page No.</b>
<b>1</b>		
<b>2</b>		
<b>3</b>		
<b>4</b>		
<b>5</b>		
<b>6</b>		
<b>7</b>		
<b>8</b>		
<b>9</b>		
<b>10</b>		

**Signature of the Appellants (s)**

## **Bihar Real Estate Appellate Tribunal Regulation, 2019**

**1. Jurisdiction of the Appellate Tribunal:**

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

**2. Limitation:**

The appellant declares that the appeal is within the limitation specified in sub-section (2) of section 44

**Or**

If the appeal is filed after the expiry of the limitation period specified under sub- section (2) of section 44 specify reasons for delay.

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**3. Facts of the case :**

(give a concise statement of facts and grounds of appeal against the specific order of the Authority of the adjudicating officer, as case may be passed under Section (s)-\_\_\_\_\_ of the Act.

**4. Grounds of Appeal :**

**5. Relief (s) sought :**

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief (s)\_\_\_\_\_

[Specify below the relief (s) sought explaining the grounds of relief (s) and the legal provisions (if any ) relied upon]

6. Interim order, if prayed for:-

Pending final decision on the appeal, the appellant seeks issue of the following interim order:-

[Give here the nature of the interim order prayed for with reasons]

7. Matter not pending with any other court, etc:

The appellant further declares that the matter regarding which this appeal has been made, is not pending before any court of law or any other authority or any other Tribunal (s).

8. Particulars of the fee in terms of sub-rule A (1) of rule 9:

- I. Amount
- II. Mode

9. List of enclosures:

- i. An attested true copy of the order against which the appeal is filed
- ii. Copies of the documents relied upon by the appellant and referred to in the appeal
- iii. An index of the documents

**Verification**

I \_\_\_\_\_ (name in full block letters)  
son/daughter of \_\_\_\_\_ the  
appellant do hereby verify that the contents of  
paragraphs ( 1 to 10) are true to my personal  
knowledge and belief and that I have not  
suppressed any material fact (s).

Place :

Date :

Signature of the Appellant(s)

