

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh,  
RERA, Bihar**

**RERA/STV/06/2025**

**Authorised Representative of RERA ...Complainant**

**Vs**

**M/s Shrishty Comtrade Pvt Ltd .... Respondent**

**Project: Shiv Shankar Enclave**

**Present: For Complainant: Ms Ojaswi Ishani, Advocate  
For Respondent: Ms. Kriti Suman, Advocate**

**13/02/2026**

**ORDER**

1. The matter was last heard on 20.01.2026. After hearing both the parties, the order was reserved and is being pronounced today. Ms. Ojaswi Ishani, learned counsel, appears for the complainant/Authority. Ms Kirti Suman, learned counsel, appears for the respondent.
2. This case has been initiated against the respondent-promoter under Section 35 and Section 59 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"), for the non-registration of the Project "Shiv Shankar Enclave". Accordingly, a preliminary notice dated 10-09-2025 and further Suo motu dated 17.10.2025 was issued to the Respondent-Promoter, seeking an explanation.
3. The aforementioned notice and case were initiated on the basis of *Form-D* issued in relation to the above-mentioned project, which was applied for registration pursuant to an inspection conducted by the Authority's team. The inspection revealed that the project was being developed by the respondent, which *prima facie* indicates that, in contravention of the

provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as “the Act”), the respondent has been promoting the instant project and inviting potential buyers without obtaining the requisite registration as mandated under the Real Estate (Regulation and Development) Act, 2016.

4. The Learned Legal representative of the Authority submits that, pursuant to the inspection conducted by a team of the Authority, the present proceedings have been initiated. The inspection team had reported that the promoter is developing the project in violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (“the Act”), without registration of the project with the Authority as mandated under the Act.
5. The respondent has stated that the project was earlier applied for registration on 12.02.2024. However, the said application was rejected on some defect found in development agreement as envisaged under the provisions of the Real Estate (Regulation and Development) Act, 2016 (“the Act”) and the Rules framed thereunder.
6. The learned counsel for the respondent submits that it is correct that the said project is being developed by the respondent company; however, the same is still under process of construction. An application for registration of the said project has already been submitted before the RERA authority and is presently under consideration. She further submits that the respondent has not violated any provisions of the RERA Act, as the project is being developed entirely out of the respondent’s own resources. It is contended that the respondent has neither advertised nor booked or sold any flat, shop, or part thereof in the said project to any person or institution. In support of these submissions, the respondent has placed on record a Chartered Accountant’s certificate along with bank statements, which reflect transactions amounting to ₹2,51,03,373/-. These transactions substantiate the estimated cost of development mentioned in

the application for registration of the project, which is stated to be ₹4,64,00,000/-.

7. Accordingly, it is submitted that since the construction of the project is still in ongoing stage, the said amount is sufficient to establish that the project is being developed by the respondent from its own resources. The respondent has, therefore, prayed for dropping the proceedings initiated against it.
8. The learned legal representative for the Authority-Complainant submits that the respondent had earlier applied for registration of the impugned project, which got rejected. Thereafter, a Technical Team from the RERA authority visited the project site and submitted its report. She further submits that upon verification of the online platforms, no advertisement pertaining to the impugned project of the respondent company was found. It is also submitted that the Technical Team's report records that the project is under construction; however, the report does not mention that any notice board or any kind of display has been found at the site during the inspection.
9. After perusing the material placed on record and considering the submissions of both the parties it is clear that project has been applied for registration with the Authority and that no advertisement has been found at the work site or on online platform which could establish contravention of section 3 of the Real Estate (Regulation and development) Act 2016.
10. This bench therefore observes that the present Suo Motu proceeding initiated under Sections 35 & 59 of the Real Estate (Regulation & Development) Act 2016 vide show- cause notice dated 15-11-2024 and further reminder notice dated 28.01.2025 against the respondent for violation of section 3 of the Real Estate (Regulation & Development) Act 2016 against the Project "Shiv Shankar Enclave" is devoid of merit and is fit to be therefore dropped.

- 11.**This bench requests the I.G. Registration, Bihar for issuing necessary instructions to all the concerned DSRs / Sub-Registrars to impose a complete ban on execution of sale deed of any unit (flat/shop/part thereof) pertaining to the said project “*Shiv Shankar Enclave*” by the respondent company and its directors.
- 12.**The office is directed to take necessary action for implementation of the above directions with the observations and directions this case is accordingly disposed of.

**Sd/-**  
(Sanjaya Kumar Singh)  
Inquiry Commissioner,  
RERA, Bihar