

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer,
Mr. Ved Prakash, RERA, Bihar
Case No: RERA/STV/07/2025

Authorised Representative of RERA

...Complainant

Versus

M/s. Shivyaa Realtech Pvt. Ltd.

...Respondent

Project: Namah Exclusive

Present: For Authority: Mr. Ankit Kumar, Legal representative.

For Respondent: None

16.04.2026

ORDER

1. The matter was taken up. Learned Legal Representative for the Authority is present. None appears on behalf of the respondent.
2. Considering the submissions of learned legal representative for the Authority as well as going through record it appears that preliminary notice dated 10.09.2025, show cause notice dated 08.10.2025 and reminder notices dated 05.11.2025, 04.01.2026, were issued against the respondent, but they have failed to appear before the Bench/Authority either in person or through representation, which shows that the respondents are knowingly and intentionally avoiding to take part in proceeding and file their reply/counter affidavit against the alleged allegations levelled them for violations of the provisions of Section 3 of RERA Act 2016. Since the matter cannot be kept pending for indefinite period, hence the case proceeded Ex parte against the respondent and after hearing the learned legal representative for the Authority, order is being passed on basis of material available on record.

3. The Real Estate Regulatory Authority, Bihar issued a Preliminary Show Cause Notice dated 10.09.2025 against the respondent and due to nonreceipt of the respondent's reply a show cause notice dated 08.10.2025, for contravention of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act") was issued against the respondent on the ground that the project namely "Namah Exclusive" was being advertised/booked/allotted without obtaining registration with the Authority. The respondent was accordingly called upon to show cause as to why proceedings under Sections 35 and 59(1) of the Act may not be initiated for contravention of Section 3 of the Act.
4. Learned Legal Representative for the Authority submits that an inspection of the project was conducted on 18.04.2025 pursuant to Office Order No. 180 dated 17.04.2025 and during inspection, it was found that the project was under construction and was not registered with the Authority. It is further submitted that the application earlier filed by the respondent for registration of the aforesaid project was rejected by the Authority on 05.04.2024, and thereafter the respondent did not submit any fresh application for registration of the project.
5. Heard the submissions made on behalf of the Authority and perused the materials available on record. It is admitted fact that the project "Namah Exclusive" was not registered with the Authority at the time of the inspection by the team of the Authority and earlier application for registration had been rejected on 05.04.2024. Further the respondent has not filed fresh application for registration of the project. However, for establishing a contravention of Section 3(1) of the Act, it is necessary to establish

that the promoter had advertised, marketed, booked, sold or offered for sale any apartment, plot or building as the case may be, in a real estate project without registration. Mere existence of an unregistered project or the fact that construction was found to be in progress, by itself, does not establish that any apartment, plot or building was advertised, marketed, booked, sold or offered for sale in contravention of Section 3(1) of the Act.

6. Hence upon careful consideration of the materials available on record, the Bench finds that no cogent and reliable evidence has been placed on record to establish that the respondent had advertised, marketed, booked, sold or offered for sale any apartment, plot or building in the unregistered project “Namah Exclusive” after rejection of the earlier registration application or otherwise in violation of Section 3(1) of the Act.
7. The Bench/Authority observes that the inspection report dated 18.04.2025 only establishes that the project was under construction and was not registered with the Authority. However, the inspection report does not, by itself, establish that any booking, sale, allotment, advertisement or offer for sale was made by the respondent in respect of the said unregistered project. In the absence of such evidence, the essential ingredients for establishing a violation of Section 3(1) of the Act are not sufficiently established.
8. Accordingly, although the Authority has noted that the project was under construction without a valid registration, the present proceedings having been initiated specifically for alleged contravention of Section 3 of the Act on account of advertisement

/booking/allotment without registration, and no sufficient evidence having been found to establish such allegations against the respondent ,hence the proceedings under Sections 35 and 59(1) of the Act are not liable to be proceeded with on account of present available material on the record.

9. In view of the aforesaid facts and circumstances, the present proceeding is hereby dropped, with liberty to the Authority to take appropriate action in accordance with law, if any fresh material or evidence regarding violation of the provisions of the Act 2016 comes to its notice.

With these observations, this case is disposed of.

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar
16.04.2026