



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Hon'ble Chairman Mr. Vivek Kumar Singh, RERA,
Bihar.

RERA/SM/524/2022

Authorised Representative of RERA

.... Complainant

Vs

M/s Makan Planners and Developers Pvt. Ltd.

....Respondent

Project: **H.B. TOWER BLOCK- "D"**

Present: For Complainant: Mr. Rishikesh Rajan, Authorised
representative of RERA.

For Respondent: Mr. Sharad Shekhar, Adv.

16.10.2025

ORDER

1. Hearing taken up. Learned counsel Mr. Sharad Shekhar appears on behalf of the respondent. Authorised representative, Mr. Rishikesh Rajan appears on behalf of the Authority.
2. The present proceeding has been initiated suo motu against the respondent by the Authority vide notice dated 27-05-2022 for the project **H.B TOWER, BLOCK "D"** (hereinafter referred to as "project") and notice was issued as to why proceedings under Section 35 and Section 59 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act").
3. The case was initiated based on material available on record which indicated prima facie contravention of the provisions of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"). The evidence produced against the respondent for the violation of Section 3 of the Act includes the development agreement, agreement for sale with respect to the project.
4. The Legal Representative of the Authority submitted that, based on the evidences placed on record, the respondent-promoter has violated Section 3 of the Real Estate (Regulation and Development) Act, 2016 ("the Act") by failing to register the project with the Authority. The Legal Representative of the Authority produces one of the development agreement of 2020 and various agreement for sale of the year 2016 and 2015 of the project substantiating his contention regarding the violation committed by the respondent company.

5. Learned Authorised representative of RERA informs even though, the Block- A, B and C of H. B.Tower was registered as ongoing project at the time of initiation of the instant proceeding, they had been duly registered under the RERA Act. As far as, Block-D is concerned, it is still not registered with RERA and not only apartment units of the Block D are being sold without registration, the Legal Representative of the Authority also submits that the project was ongoing as enumerated in the technical report.
6. Learned counsel for the respondent says that this matter has been litigated at the level of Hon'ble High Court with regard to land of the project but at the same time he does not deny the fact that Block-D of the project is unregistered and therefore, are liable for action under Section 59(1) of the RERA Act for violation of Section 3 of the Act.
7. The bench has heard both the parties at length. The factual matrix of the case is pertaining to the Block D of the projects **H.B Tower**. Section 3 of the Act provides for prior registration of real project. The evidences produced in the form of agreement for sale and development agreement clearly establishes the contention of the Legal Representative of RERA of the very act of the respondent dealing in the Block D by selling apartment units of the block without RERA registration. Thus, the violation of Section 3 has been sufficiently proven.
8. The notice has been issued on 2022 and the first date of hearing is 17.11.2023. Thus, there appears to be no reason to delay the matter further. Therefore, the Authority is constrained to pass order considering the evidence on record.
9. Heard both the parties. In the above circumstances, even though we may take liberal view of Block-A, B and C. The construction of Block-D is clear violation of Section 3 of the RERA Act. As per the site visit done by the Technical Wing of RERA on 27.01.2024, it was clear that Block-D was mixed project entailing an area of 921.06 mtr. and a total built up area of 45964.78 sqft. As per the site visit, it was found that the shuttering for the cast of slab of 5th floor was ready and brickwork was in progress for three floors. The persons of promoters present on site refused to give any information to the visiting team of RERA.
10. It was observed by the technical team that the building was at the stage of construction of B+G+5 and it had scope for further construction. The estimated cost of land, as per technical report, was Rs.2.21 Crore (on the basis of a/c to the

- MVR, Govt. of Bihar). The estimated cost of development is Rs.6.89 crore. The total project cost is estimated by technical wing came to Rs.9.10 Crore.
11. From the report of the Technical Wing and also from the record, this appears to be a flagrant valuation of the RERA Act for which they ought to be penalized as per law. As per the cost of project, a penalty of Rs.50 Lakh is imposed upon the promoter.
 12. The penalty amount of Rs. 50lakhs, as mentioned above, shall be paid by the respondent company within sixty (60) days from the date of issuance of this order. Failure to comply with this direction will attract further action under Section 59(2) of the Real Estate Regulation and Development) Act, 2016.
 13. The Authority further directs the office to issue a letter to the I.G. Registration, Bihar to issue letter to all the concerned DSRs/ Sub-Registrars of Patna to impose a blanket ban on execution of sale deed for the projects by the respondent company and its Directors along with the copy of the advertisement if any and detail of the company and its Director's.
 14. The Authority further directs the Circle Officer of the concerned Anchal not to mutate any land pertaining to the said projects by the respondent company and its Directors along with the copy of the advertisement and detail of the company and its Directors.
 15. The Authority further directs the respondents to remove all the advertisements if any of the projects mentioned above from all mediums within a fortnight.
 16. The Authority directs the office to forward a copy of this order, along with all available evidence on record against the respondent, to the Enforcement Directorate Govt. of India and Economic Offences Unit, Bihar for information and necessary action.

With the above direction, this matter is disposed of.

Sd/-

(Vivek Kumar Singh)
Chairman