



REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/614/2023

Authorised Representative of RERA

.... Complainant

Vs

M/s Agrani Homes Real Marketing Pvt. Ltd.

.... Respondent

Project: **Agrani P.G. Town, Block - C**

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

For Respondent: None

16-10-2025

ORDER

1. Hearing taken up. Mr. Rishikesh Rajan, Authorised representative appears on behalf of the complainant. Nobody appears on behalf of the respondent, yet again despite opportunities provided.
2. The present proceeding 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 **Agrani P.G. Town, Block - C, Patna**. Accordingly, a notice dated 27-09-2023 was issued to the respondent by registering a suomotu case, seeking an explanation.
3. The aforementioned notice and 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 placed on record against the respondent for the violation of Section 3 of the Act includes brochure, advertisement on circulated over various intermediaries platform etc.
4. The respondent-promoter neither appeared nor submitted any reply to the notice dated 27-09-2023. Accordingly, in compliance with the principle of audi alteram partem, the Authority issued multiple notices to the respondent for appearance during the course of hearings scheduled on 05-10-2023, 08-01-2024, 02-05-2024, 02-07-2024, 26-09-2024 and 27-08-2025. However, the respondent failed to appear on each of these occasions.
5. In view of the continued non-appearance and to avoid keeping the matter pending for an indefinite period, the Authority proceeded to hear the matter ex parte, based on the material available on record, which prima facie indicated a violation of the provisions of the Act.

6. The Legal Representative of the Authority submitted that, based on the advertisements 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.
7. The Authority notes that the Hon'ble Apex Court in several cases has reiterated and settled the proposition of law that when several notices have been served on the respondent and party still choose to not appear, it would be assumed that they have waived their right to be heard. For the same reason, the Authority had no option but was compelled to proceed with the matter ex parte. Considering the fact that the case is running from the four years, there appears no reason to delay the matter further. Accordingly, the Authority is constrained to pass order in the instant case on the basis of the document and evidences available on record.
8. Perused the record and submission.
9. It is to be observed that Section 3(1) of the Real Estate (Regulation and Development) Act, 2016 ("RERA Act") along with the definition of "advertisement" under the Act, provides as follows:

The term "advertisement" encompasses any document described or issued as an advertisement through any medium. This includes but is not limited to notices, circulars, pamphlets, brochures, or any other form of publicity intended to inform the public or potential buyers about a real estate project. It specifically includes materials that offer for sale or invite persons to purchase, either plots, buildings, or apartments, or solicit advances, deposits, or any form of payment for such purposes.

Further, the same Section 3(1) of the RERA Act mandates that no promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building, in any real estate project or part thereof, within any planning area, without first registering the real estate project with the Real Estate Regulatory Authority established under the Act.

10. A bare perusal of above mentioned provisions and materials clearly establishes that the promoter in question has violated the statutory requirements set out under the RERA Act. The brochures, advertisements, and other promotional material disseminated on various intermediary platforms indisputably fall within the ambit of the definition of "advertisement" as provided under Section 2(b) of the Act. By advertising and offering the real estate project for sale prior to registration, the promoter has contravened the mandatory statutory prohibition on such

activities. Consequently, the promoter's actions amount to a clear breach of Section 3(1) of the RERA Act, attracting the penalties and remedial measures prescribed under the legislation.

11. The actions of the respondent not only constitute a violation of the aforementioned provisions of the Act but also undermine the very object and purpose for which the statute was enacted. The act of circulating promotional material and offering the project to the public at large without obtaining registration is a deliberate and purposeful attempt to bypass the regulatory framework established under the Act. Such conduct not only diminishes the authority and credibility of the Regulatory Authority but also reflects an intention to derive economic benefit by circumventing the mandatory compliance requirements laid down under the Real Estate (Regulation and Development) Act, 2016 and prejudices the interests of allottees.
12. The Technical Report dated 17-12-2024 placed on record reveals the existence of the project land.
13. The submissions made, along with the material placed on record and the report of the Technical Wing, collectively establish that the project **Agrani P.G. Town, Block - C** was advertised for sale across various platforms without obtaining the mandatory registration, in contravention of **Sections 3** of the Real Estate (Regulation and Development) Act, 2016. Consequently, such violations attract penalties under **Sections 59(2)** of the Act.
14. As of now, as per the documents and evidences available on record, a penalty of Rs. 10 lakh is imposed upon the respondents under Section 59(1) of the Act.
15. The penalty amount of Rs. 10 lakh, 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.
16. The Authority further directs the respondents to remove all the advertisements of the projects mentioned above from all mediums within a fortnight.

With the above direction, this matter is disposed of.

Sd/-
(Vivek Kumar Singh)
Chairman