

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/416/2019

Authorised Representative of RERA

...Complainant

Versus

M/s. Pusp Jyoti Associates Pvt Ltd

...Respondent

Project: Green City Chapra, Green City Nizampur Siwan, Green City, Green City Sitamarhi, Green City Motihari Road

Present: For Authority: Sri Ankit Kumar Legal Representative

For Respondent: Sri Mukesh Kumar, Advocate

30.10.2025

ORDER

1. The matter was taken up. Learned legal representative for Authority/complainant and learned advocate for the respondent are present.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 08.07.2019 to the respondents for advertising and taking booking without prior registration of the projects Green City Chapra, Green City Bagaha, Green City Nizampur Siwan, Green City Sitamarhi, Green City Motihari Road with RERA, Bihar and thereby contravening the provisions of Section 3 of the Real Estate (Regulation & Development) Act 2016. The promoters were directed to show cause as to why proceedings under Sections 35 & 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.

3. The learned counsel for the Respondent by filing reply, submits that the respondent company has never been involved for construction of the above mentioned projects. He further submits that the respondent has never executed any registered Development Agreement for development of the above projects and further that the company has never applied for the any lay out plan, sanction map or any kind of brochure, pamphlets or advertisement in regard to the projects stated above. Learned counsel further submits that the respondent company has never taken consideration or booking amount from customers with respect to the above named projects.
4. The learned counsel for respondent further contends that the respondent has already applied for registration of the project Pusp Jyoti Green City, Chapra on 04.10.2018 and has got registration No BRERA00830-1/677/R735/2019 dated 20.08.2019.
5. Learned counsel further submits that all the other projects named above fall under the Non-Planning Area and Hon'ble Authority has no jurisdiction to register these projects, and as such cannot issue notice for violation of Section 3 of RERA Act 2016. Accordingly from all the corners the Suo Motu Notice and present case against the respondent being not established may be dropped.
6. Learned legal representative for Authority submits that though the Hon'ble Authority had initiated the registration of the project falling under the Non Planning Area in the year 2018, but after objection by the UDHD ,the Hon'ble Authority has stopped the registration of the projects falling in Non Planning Area and presently no projects falling in Non Planning Area is being registered.

7. Perused the record. The first proviso of Section 3 of the Act says that all the ongoing real estate projects were required to get registered by 31st July, 2017 with the Real Estate Regulatory Authority, Bihar.
8. Further, Section 3 of the Act provides that no promoter can advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building as the case may be, in any real estate project or part of it, in any planning area within a State, without registering the real estate project with the Real Estate Regulatory Authority (RERA) established under this Act.
9. The 2nd proviso of Section 3 says that “provided further that if the Authority thinks necessary, in the interest of the allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.
10. The learned counsel for the Authority confirms the submissions of learned counsel for the respondent that the project Green City Chapra is registered with RERA, Bihar and other projects named above are in Non -Planning Area. Hence are non-required for registration by the Hon’ble Authority.
11. The Bench notes that the respondent has got registration of the project Green City, Chapra with RERA, Bihar in the year 2019. However the respondent has claimed that they have neither advertised nor taken booking from any allottee with respect the other projects named above. It further appears that all other

projects mentioned above are situated in non planning area, hence as discussed above, there was no requirement of registration under Section 3 of RERA Act 2016 with RERA, Bihar.

12. Therefore, it is established that the respondent promoter has not violated the provisions of Section 3 of RERA Act 2016. Hence the Bench finds that the penalty under Section 59(1) of the RERA Act, 2016 cannot be imposed against the respondent. Accordingly the Suo Motu Notice and present case against the respondent promoter is dropped.

With these observations and directions, the matter is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer
RERA, Bihar