



REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mr. Ved Prakash,
Special Presiding Officer

Case No: RERA/SM/425/2019

Authorized Representative of RERA

...Complainant

Vs

M/s. Nexgen Dream Homes Pvt. Ltd.

Respondent

Project:

Present: For Authority: Sri Ankit Kumar, Advocate.

For Respondent: Shri Binod Kumar Sinha, Advocate

15.01.2026

ORDER

1. The learned legal representative for the Authority and learned counsel for the respondent are present.
2. The Real Estate Regulatory Authority, Bihar, issued a *Suo Motu* show-cause notice on 06.08.2019/25.09.2019 to Sri Rajeev Ranjan Singh and Deepak Kumar Singh, the Directors of the respondent company for advertising the ongoing projects Mauji Rajkamal Palace, Sidheswar Palace, Amar Ajai Enclave in News Paper/websites without prior registration with the Authority and thereby they contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. The promoters were directed to show cause as to why proceedings under Section 35, 59 of the RERA Act 2016 may not be initiated against them for violations of Section 3 of said Act.
3. The learned counsel for the respondent by filing reply dated 13.08.2019/18.12.2019 submits that Project Mauji Rajkamal Palace was completed on 01.01.2017 and they had applied for Occupancy Certificate to Nagar Parishad Danapur Nizamat along with documents and fee Rs 16,000/-.The learned counsel for respondent further submits that sale

deeds dated 16.03.2017,28.03.2017, 03.04.2017, 21.04.2017,12.06.2017 were executed with respect to flats in favour of Mr. Sunil Kumar Singh, Mr. Ramesh Kumar Singh, Mr.Arvind Kumar, Mr.Bandhu Fernandis, Mr.Kuldeep Kumar respectively, which support that the project was completed prior to enforcement of RERA Act 2016 on 01.05.2017. He further submits by filing copy of application for registration dated 16.09.2018 with respect project Mathura Girija Expressway View that the project Mauji Rajkamal Palace is shown as completed project .

4. Learned counsel further submits that the projects Sidheswar Palace and Amar Ajai Enclave are not the projects of the respondent company.
5. The learned counsel for the Respondents further submits that RERA Bihar's own communications dated 26.10.2018 and 28.12.2018 sent to UDHD Govt of Bihar, wherein it was clarified that projects completed prior to 01.05.2017 were not required RERA registration and project Mauji Rajkamal Palace is completed prior to 01.05.2017. Hence show cause notice and present case against the respondent promoter may be dropped.
6. Learned Legal Representative opposed the submissions of learned counsel for the respondent.
7. Heard Learned counsels of the parties and perused the record.
8. Section 3 (1) RERA Act 2016 says 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, as the case may be, in any real estate project or part of it ,in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act. Provided that projects that are ongoing on date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the

said project within a period of three months from the date of commencement of this Act.

9. The Bench /Authority observes that several sale deeds with respect to flats in the project Mauji Rajkamal Palace were executed by the respondent prior to enforcement of RERA Act 2016 on 01.05. 2017. It further appears that respondent has submitted completion certificate with respect to project on 01.01.2017 and has given notice as well. It further finds support from the application for registration of project Mathura Girija Expressway View dated 16.09.2018 that the project was completed prior to 01.05.2017. Hence there is no hesitation to hold that project Mauji Rajkamal Enclave was completed prior to enforcement of RERA Act 2016.
10. The Bench/Authority observes that Authority has issued letters dated 26.10.2018 and 28.12.2018 to UDHD, Govt. of Bihar that the projects which are completed prior to 01.05.2017, but they have no Completion Certificate and affidavit in this respect is submitted by land owner/promoter and some flats have been registered prior to 01.05.2017, there is no compulsion for registration of such projects with the Authority.
11. Further, though previously the Authority has issued notice against the respondent showing that the respondent was making advertisement with respect to the projects Sidheswar Palace and Amar Ajai Enclave without registration with the Authority, but no cogent evidence is brought on the record to show that respondents have/had advertised these projects. The Bench/Authority observes that simply by filing photograph of any advertisement will not prove that said advertisement is done by the respondents unless and until it is proved that the said advertisement was published by the respondents. The Bench further observes that nothing is placed on record to support that the respondents have/had advertised these two projects Sidheswar Palace and Amar Ajai Enclave.

- 12.Hence Considering the submissions of the learned advocates of the parties and on perusal of the records, it appears that the project Mauji Rajkamal Palace was completed Prior to enforcement of RERA Act 2016, accordingly this project comes under ambit of Section 3(2)(b) of RERA Act 2016 and other two projects namely Sidheswar Enclave and Amar Ajai Enclave do not belong to the respondent promoter.
- 13.Hence it is established that the respondents have not violated the provisions of Section 3 of RERA Act 2016 with respect to the project Mauji Rajkamal Palace. Bench Further observes that in absence of cogent evidence it is further established that both the projects namely Sidheswar Palace and Amar Ajai Enclave do not belong to Respondent promoter. Hence RERA, Bihar has no jurisdiction to issue notice against the respondent promoter with respect to all the three projects named above. Therefore, the show cause notice dated 06.08.2019/25.09.2019 issued under Section 35, 59 RERA Act 2016 and present case against the respondent promoter is hereby dropped.

With these observation, this case is disposed of.

Sd/-
(**Ved Prakash**)
Special Presiding Officer