

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer,
Mr. Ved Prakash, RERA, Bihar
Case No: RERA/SM/662/2025

Authorized Representative of RERA

...Complainant

Versus

CASA India

...Respondent

Project: Casa BSF Colony, Casa Royal Highland and Casa Gulzar (Patna)

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

For Respondent: Mr. Madhukar Mohan, Advocate.

08.01.2026

ORDER

1. The matter was taken up. Learned legal representative Mr. Ankit Kumar for the Authority and learned counsel Mr. Madhukar Mohan on behalf of the respondent are present.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 19.02.2025 to the respondent company for contravention of provisions of section 3 of the Real Estate (Regulation & Development) Act 2016 for advertising project- Casa BSF Colony, Casa Royal Highland and Casa Gulzar (Patna) through brochure on his website i.e. www.casagroups.com, YouTube, pinterest.com & magicbricks.com without prior registration with RERA, Bihar. 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 for non-compliance of provisions of Section 3 of RERA Act 2016.

3. Learned legal representative for the Authority submits that the promoter advertised his ongoing projects namely Casa BSF Colony, Casa Royal Highland and Casa Gulzar (Patna) through brochure on his website i.e. www.casagroups.com, youtube, pinterest.com & magicbricks.com without registration with RERA, Bihar and also under the tab of ongoing project without registration of the project with RERA, Bihar. Accordingly, the authority issued a show cause notice on 19.02.2025 against the respondent company for contravention of provisions section 3 of the Real Estate (Regulation & Development) Act 2016 and initiation of Suo Motu case under the Sections 35 and 59 (1) RERA Act 2016.
4. Learned counsel for the respondent by filing reply dated 15.05.2025 & 28.08.2025 submits that the allegations of notice dated 19.02.2025 are incorrect. He submits that the respondent strongly denies the allegations of the notice dated 19.02.2025 that the respondent is developing three ongoing projects namely CASA BSF Colony, CASA Royal Highland and CASA Guljar at Patna without prior registration with RERA Bihar. Learned counsel submits that the notice is highly inadequate, vague, mechanical, unsupported by documentary evidence, and issued without proper application of mind or jurisdiction under Section 35 of the Act. It is further contended that the notice fails to clarify the capacity in which the respondent has been called upon to explain, thereby depriving him of a meaningful opportunity of defence and violating principles of natural justice. The learned counsel for the respondent further asserts that he is neither a “promoter” within the strict definition under Section 2(zk) of the Act nor are the alleged projects “real estate projects” as defined under Section 2(zn). It is further submitted that no land has been developed into a project, as no conversion from agricultural to non-agricultural use has

been sought or obtained under the Bihar Agriculture Land (Conversion for Non-Agricultural Purposes) Act, 2010, which governs such conversion and prevails as a special law. No approvals, sanctions, layout plans, demarcation, infrastructural development, or municipal permissions essential prerequisites for development—have ever been applied for or granted to the respondent. The learned counsel for respondent further emphasizes that there is distinction between mere sale of land and development of land into plots and provisions of RERA Act 2016, applies only to the latter. Learned counsel placing Reliance on the ruling *Neelkamal Realtors Pvt. Ltd. v. Union of India* asserts that RERA Act 2016 does not regulate agricultural land or undeveloped land transactions.

5. Additionally, the learned counsel for the respondent challenges the maintainability of the Suo Motu proceedings, stating that they are based solely on unauthenticated electronic material allegedly downloaded from an unidentified website. The learned counsel for respondent denies ownership, control, or authorship of such website or content. It is argued that the Authority has failed to disclose the source, URL, or digital credentials of the alleged material and has not furnished a mandatory certificate as required under Section 65B of the Indian Evidence Act 1872, leading to electronic evidence inadmissible. Citing judgements (2014)10 SCC 473 *Anvar P.V Vs P.K Basheer* and *Arjun P Khotkar Vs K.K Gorantyal* (2020)7SSC 1 of Hon'ble Supreme Court, the learned counsel for respondent submits that reliance on such unauthenticated material violates principles of fair hearing and natural justice. Accordingly, the learned counsel for respondent prays for acceptance of the submitted explanation and dismissal of Suo Motu proceedings.

5. Learned legal representative for the Authority by filing an application on 26.09.2025 submits though the matter was fixed for pronouncement of order on 09.10.2025, but after the last hearing dated 04.09.2025, he has come into possession of new and vital evidence, which was previously not available to him and said evidence was material for proper adjudication of the case. Learned legal representative submits that complaint Case No. RERA/CC/396/2024 was with respect to the project CASA BFS Colony, wherein it was recorded that a complainant had booked Plot No. 185 based on project pamphlets and he paid Rs. 1,50,000/-. Due to discrepancies in the project, the complainant sought refund of his principal amount, out of which only Rs. 40,000/- was returned, and the company's legal representative later on agreed to refund the remaining amount. This admission establishes that the promoter accepted bookings without RERA registration, constituting a violation of Section 3 of the RERA Act, 2016. Accordingly, the applicant/complainant prayed with the Bench /Authority to permit the said new evidence to be placed on record and considered before final order.
6. Learned counsel for the respondent by filing reply/objections dated 13.11.2025 on the complainant's above application for placing additional evidence on record, submits that the claim of non-availability of such evidence at the time of earlier hearings was incorrect and misleading. It is submitted that the alleged evidence was already available with the Authority in 2024, and therefore the complainant cannot be permitted to rely upon it at a belated stage after conclusion of arguments and reservation of the matter for orders. Such conduct, amounts to misuse of the process of law and is intended only to harass the respondent, who has

been diligently defending the proceedings from the outset. Hence, the maintainability of the application is seriously questioned and it is urged that the same be rejected at the threshold.

7. The learned counsel for respondent further argues that the application is devoid of merit and has no relevance to the present Suo Motu Case No. 662 of 2025. The documents relied upon pertaining to Complaint Case No. 396 of 2024, wherein different parties, namely Uday Shankar and CASA India Realty Solution LLP are involved, whereas the present proceeding is against Shri Ajit Singh. The issues, facts, and subject matter in both cases are entirely distinct. The earlier complaint related to failed preliminary negotiations that ended in a refund without any adjudication on merits, and the respondent therein was a registered real estate agent vide registration BRERAA23350/314/A-367/2021. In the absence of any complaint from an allottee or substantive evidence against the respondent, the initiation and continuation of the present proceedings are alleged to be contrary to the spirit and objectives of the RERA Act. Accordingly, dismissal of the complainant's application is prayed for.
8. Perused the record. The first proviso of Section 3 of the Act 2016 says that all the ongoing real estate projects were required to be registered by 31st July, 2017 with the Real Estate Regulatory Authority, Bihar. 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 term Advertisement has been defined in the section 2 (b) of the Act as follows: “Advertisement means any document described or issued as advertisement through any medium and includes any notice, circular or other documents or publicity in any form, informing persons about a real estate project, or offering for sale of a plot, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes.”
10. The Bench notes that advertisements of the projects were available on the company’s website, namely www.casagroups.com, as well as on platforms such as YouTube, Pinterest.com, and Magicbricks.com. It appears that even if the projects—Casa BFS Colony, Casa Royal Highland, and Casa Gulzar (Patna) were not registered, the respondent company was advertising these projects on multiple websites and had also accepted bookings, which is clear from the order dated 03.09.2025 passed in Complaint Case No. CC/396/2024.
11. The Bench further observes that the respondent is operating multiple entities, namely CASA India, CASA India Realty Solution LLP, and CASA Indian Homes Pvt. Ltd and in all company/LLP, Shri Ajit Singh holds the position of Founder and Director. It establishes that Shri Ajit Singh, by creating and operating multiple entities, has been seriously involved in the advertisement, booking, sale of plots etc. in the projects.
12. In view of the preamble of the Real Estate (Regulation and Development) Act, 2016, which aims to regulate and promote the real estate sector, ensures transparency in the sale of real estate projects, and protect the interests of consumers, the Authority cannot remain a silent spectator to the violations of the Act being done by the promoters, agents in different

modes. Accordingly, the Authority deems it appropriate to implead not only CASA India, but also CASA India Realty Solution LLP and CASA Indian Homes Pvt. Ltd. as respondents in the present proceedings, as they are integrally connected with the impugned activities

13. Therefore, in the light of observations made above, it is established that respondent company has advertised their projects namely – Casa BSF Colony, Casa Royal Highland and Casa Gulzar (Patna) & booked Casa BSF Colony, without prior registration with the Real Estate Regulatory Authority, Bihar and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly, the respondents are liable to pay penalty under Section 59(1) Of RERA Act 2016.
14. The respondent promoter has stated on the company's website that the area of the project, namely BFS Colony, is spread over 15 bighas of land in the first phase. Taking into consideration the said area, it is calculated that $15 \text{ bighas} \times 62.49 \text{ decimals} = 937.35 \text{ decimals}$ (where 1 bigha = 62.49 decimals). Thereafter, considering the total land area of 937.35 decimals and the minimum value of land, i.e., Rs. 32,000/- per decimal, since the MVR value of the land is not available on the official website (<https://bhumijankari.bihar.gov.in/biharportal/Admin/MVR/MVRView.aspx>), the total estimated cost of the project comes to approximately Rs. 2,99,95,200/- ($937.35 \text{ decimals} \times \text{Rs. } 32,000/-$).
15. Hence, the Bench imposes penalty of Rs.8,00,000 (Eight lakh) under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter, which is less than 3% of the total estimated cost of the project. This amount has to be paid by the respondent company within sixty days of

this order, Non-compliance with this directive will result an action under Section 59(2) of the RERA Act, 2016.

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

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar