

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh,
RERA, Bihar**

RERA/SM/665/2025

Authorised Representative of RERA

...Complainant

Vs

M/s Radha Swamy Engicon Pvt Ltd.

.....Respondent

Project: Shyam Pati Kunj

**Present: For Complainant: Ms Ojaswi Ishani, Advocate
For Respondent: None**

13/01/2026

ORDER

1. The matter was last heard on 12.12.2025. After hearing both the parties, the order was reserved and is being pronounced today. Ms Ojaswi Ishani, learned counsel, appears for the complainant/Authority. Nobody appears on behalf of the respondent, despite opportunities provided.
2. This case 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 "Shyam Pati Kunj". Accordingly, a preliminary notice dated 12.12.2024 was issued to the

Respondent-Promoter by registering a suo-motu case, seeking an explanation.

3. The aforesaid notice and proceedings were initiated on the basis of an advertisement received, circulated on an online platform, which *prima facie* reveals that, in contravention of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016, the respondent has promoted this project on online platform and has thus invited prospective buyers without obtaining the registration of the said advertised project as mandated under the Act.
4. The learned legal representative of the Authority submitted that the promoter is marketing the project by means of advertisement in violation of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, without obtaining the mandatory registration of the project with the Authority as required under the Act.
5. The respondent-promoter neither appeared nor filed any reply to the notice dated 20-06-2025. Accordingly, in adherence to the principle of *audi alteram partem*, the Authority issued multiple notices to the respondent for appearance on 25-03-2025, 15-04-2025 and 20-05-25, 26-06-2025. Thereafter, on 04.08.2025, following due process, the Authority also issued a public notice in compliance with the provisions of Order V Rule 20 of the CPC read with Rule 36(2)(j) of the Bihar RERA Rules, 2017 followed by direction on 10.09.2025 directing the SSP, Patna to ensure the presence of respondent. Despite these opportunities, the respondent failed to appear on the scheduled dates of hearing.

6. In view of the respondent's continued non-appearance, and to avoid keeping the matter pending indefinitely, the Authority proceeded to hear the case *ex parte*, based on the material available on record, which *prima facie* indicated a violation of the provisions of the Act.
7. The learned legal representative for the Authority-Complainant submits that as on date, no material is available on record to indicate the existence of any advertisement in the public domain in violation of Section 3 of the Act in respect, nor there is any evidence regarding the sale and booking for the same. In absence of concrete proof, it can not be said that the promoter has acted in the contravention of section 3 of the Act.
8. Furthermore, on proceeding dated 26.11.2025 the bench directed the RERA Team for inspection of the alleged site, accordingly which a technical report dated 08.12.2025 was placed on the record stating that the team tried to trace the project location but no information regarding the same was found. It was submitted by the said team that made an attempt to verify the project location on digital platform was made but no such project was found near Ashiyana Nagar Main Road.
9. In view of the above, learned counsel for the Authority-Complainant prays for the present proceeding to be dropped. However, as per the last direction, no further reply or notes of argument has been filed by the respondent.
10. After perusing the material placed on record and considering the submissions of the parties, and in view of the fact that, as on date, no advertisement in the public domain establishing any violation of Section 3 of the Act is available in respect of the project in question,

the present *suo motu* proceedings initiated under Sections 35 and 59 of the Real Estate (Regulation and Development) Act, 2016, vide show cause notice dated 25.06.2025, against the respondent for alleged violation of Section 3 of the Act in respect of the project “Anandi Green Villas” is hereby dropped.

With these observations, the matter is disposed of.

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar