

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/666/2025

Authorised Representative of RERA **...Complainant**

Vs

M/s Chitra Homes Pvt. Ltd. **....Respondent**

Project: Chitra Complex

Present: For Complainant: Mr. Rishav Raj, Advocate
For Respondent: Mr. Mayank Rukhaiyar, Advocate

06/03/2026

ORDER

1. The matter was last heard on 15.10.2025. After hearing the learned counsel for both the parties and perusing the written reply filed by the respondent, the order was reserved and is being pronounced today.
2. The present *suo motu* proceeding has been initiated against the respondent company under Section 35 read with Section 59 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act") for contravention of Section 3 of the Act for non-registration of the project namely "Chitra Complex".
3. The present proceedings were initiated on the basis of information received from Patna Municipal Corporation, suggesting that the respondent had developed/promoted the said project without registration under the Act.
4. The respondent appeared through learned counsel and filed a detailed written reply. It has been categorically submitted that:

- a) The project in question was never developed by the answering respondent.
 - b) The properties referred to in the proceedings were acquired in the years 2004 and 2012 respectively, which is much prior to the enactment and enforcement of the Act.
 - c) The material supplied to the respondent consisted only of a picture of the property and a list of holding tax payers under different circles of Patna Municipal Corporation.
 - d) No clear-cut evidence, advertisement, or report establishing promotion or development by the respondent has been supplied.
 - e) The registered property details annexed as (Annexure R/2) in the written reply shows that the properties were purchased prior to the enactment of the Act and one even prior to incorporation of the respondent company in the year 2009.
 - f) There is no document on record establishing contravention of Section 3 of the Act.
5. After perusing the material placed on record and considering the submissions of the parties the following facts emerge:
- a) There is no documentary evidence on record to conclusively establish that the present respondent developed or promoted the project “Chitra Complex” after enforcement of the Act.
 - b) The properties referred to in the proceedings were acquired prior to the enforcement of the Real Estate (Regulation and Development) Act, 2016.
 - c) No material has been placed on record demonstrating ongoing development, advertisement, booking or sale post 01.05.2017 so as to attract Section 3 of the Act.
 - d) The material supplied does not establish any contravention of Section 3 of the Act by the answering respondent.

6. It is a settled principle that penal provisions under Section 59 of the Act cannot be invoked until and unless a clear and established violation of Section 3 is made out on the basis of cogent evidence.
7. In the present case, upon examination of the entire record, this Authority is of the considered opinion that no contravention of Section 3 of the Real Estate (Regulation and Development) Act, 2016 has been established against the respondent.
8. Accordingly, the present Suo Motu proceeding initiated against M/s Chitra Homes Pvt. Ltd. in respect of the Project “Chitra Complex” is hereby dropped.

With these observations, the matter is disposed of.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar