

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/678/2025

Authorised Representative of RERAComplainant

Vs

M/s Balaji Dream Homes Pvt LtdRespondent

Project: Dream Homes Apartment

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

09/03/2026

ORDER

1. Hearing taken up Ms. Ojaswi Ishani, learned counsel for the complainant/ Authority is present. No one appeared on behalf of Respondent.
2. The present proceeding 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 "Balaji Dream Homes Apartment". Accordingly, a preliminary notice dated 02-01-2025 was issued to the respondent by registering a suo-motu case, seeking an explanation by a subsequent show cause notice on 11-03-2025.
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 (hereinafter referred to as "the Act"), 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, 2016 (hereinafter referred to as “the Act”), without obtaining the mandatory registration of the project with the Authority as required under the Act.
5. The legal representative of the complainant-Authority further submitted that the Respondent has contravened section 3 of the Act, as they had advertised their project prior to obtaining registration, which is established by a mere perusal of the from the brochure placed on record. The said brochure clearly establishes the act of advertisement.
6. The respondent remained absent during most of the adjudication proceedings. However, during the proceeding dated 05-08-2025, the respondent’s director appeared and submitted an affidavit stating that Balaji Dream Home Private Limited had developed only one project in the past four years. The project, named “Dream Homes,” is registered with RERA under Registration No. BRERAAP00162-3/R-1136/2021 and is located at RK Puram, Khagaul Road, Patna. The director stated that except this project (Supra) the company has not undertaken the construction or promotion of any other project, and that the completion of the said project has already been communicated to the RERA authorities.
7. The learned counsel for the complainant/Authority argues that it is apparent from the records that the promoter has advertised the unregistered project on various online platforms without first obtaining registration from RERA, as required by law, which constitutes a violation of Section 3 of the Act. She also points out

a contradiction between the affidavit and reply filed by the respondent and the oral submissions made during the proceedings on 05.08.2025. On one hand, the respondent stated they have only developed one project, while on the other hand, they claimed to have developed two projects after the RERA Act came into effect, with earlier projects being developed before the Act was introduced. Considering this, the bench had instructed the respondent to provide supporting documents such as a registered sale deed, electricity bill, or any other relevant documents to substantiate their claim, which the respondent failed to produce before this bench despite multiple opportunities granted to him.

8. The Complainant-Authority further submits that, pursuant to the direction of this bench, a team of technical experts was sent to inspect the site. During the inspection, the team found that the promoter had developed a project called Balaji Dream Homes Apartment located at Sri Nagar, AG Colony, Patna, which is separate from a similar project named Dream Home Apartment situated at Khagual Road, Patna. Upon further investigation, the team discovered that the allottees have been residing in their respective flats in the said project from 2017 onwards. This clearly indicates that the promoter had developed the project without obtaining RERA registration, executed sale deeds, and sold flats to the allottees, all of which constitutes a direct violation of Section 3 of the Act.
9. Perused the record of the case and took into account the submissions of both the Respondent and the complainant.

10. (a) Section 2(b) of the Real Estate (Regulation and Development) Act, 2016 provides the definition of “advertisement” which reads as follows:

“advertisement” means any document described or issued as an 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.

(b) Further, Section 3(1) of the RERA Act mandates 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 thereof, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act.

11. A bare perusal of the relevant statutory provisions, read with the material placed on record, clearly establishes that the promoter has violated the mandatory requirements of the Real Estate (Regulation and Development) Act, 2016. The respondent’s plea that the project named “Dream Home Apartment” was registered with RERA in year 2021 vide registration number BRERAAP00162-3/R-1136/2021 is found to be correct. However, as reflected in the Technical Report dated 08.12.2025, it has been mentioned that the correct name of the project is “Balaji Dream Homes Apartment.” Upon a thorough and detailed review of the report, it is also observed that the said project is a completed project. Additionally, the inspection team submitted a

photograph of the apartment, which clearly displays a board with the project name "Balaji Dream Homes Apartment." This project, developed by the respondent, which was also promoted through online advertisements, which have been placed on the record.

12. The respondent's assertion that the project was completed before the commencement of the RERA Act remains unsubstantiated, as no authentic documentary evidence such for example sale deed or the occupancy certificate etc. has been produced so as to demonstrate that the plea of respondent is true and fit to be considered as substantial evidence. In view of the absence of the requisite evidence, the material placed on record establishes a prima facie case against the respondent.

13. In its Interim Order dated 21.01.2026, this bench had directed the respondent to submit any supplementary documents or written arguments in response to the newly discovered facts. This bench has thus ensured adherence to the principles of natural justice by providing the respondent with a fair opportunity to present proper documentation in their defence. However, despite reasonable opportunity granted to the respondent, he has failed to appear or submit any reply.

14. In view of the respondent's continued non-compliance of the direction of this bench to file a valid reply, it appears to be a malafide intention of the respondent to keep the matter pending indefinitely. This Bench observes that the Hon'ble Apex Court, in several decisions, has consistently affirmed the legal position that when a respondent, despite being duly served with notices and granted repeated opportunities, fails to file a reply, it is deemed that the respondent has waived the right to present its defence. In view of this settled principle of law, the Bench is left

with no other alternative but to proceed without the respondent's reply. As there exists no sufficient justification to further delay the adjudication of the matter, the Bench is therefore constrained to decide the present case on the basis of the pleadings, documents, and evidence available on record.

15. The bench thus observes that there is no doubt that the registered project "Dream Homes Apartment," located at Khagual Road, and the disputed project "Balaji Dream Homes Apartment," located at AG Colony, are two distinct and separate projects. The evidence placed on the record clearly demonstrate the violation of the Act committed by the Respondent on the basis of the fact that the promoter has failed to obtain a valid registration from the RERA for developing and promoting the project Balaji Dream Homes Apartment. Further the respondent company has made false submission regarding the project it has only developed only two registered projects, whereas there is plethora of evidence available which demonstrates that the promoter has developed an unregistered project, advertised, executed sale deed and sold the flats to the public, which unequivocally demonstrates omission on the part of the respondent to register its project, as mandatorily required under Section 3 of the Act. Such conduct amounts to a clear violation of the statutory obligation cast upon every promoter to apply for and obtain registration of the real estate project prior to undertaking any activity in relation thereto.

16. Accordingly, the conduct of the respondent-promoter constitutes a clear statutory violation and squarely attracts the penal provisions as prescribed under the Act.

17. The conduct of the Respondent not only constitutes a violation of the aforesaid provisions of the Act but also strikes at the very

object and purpose for which the Real Estate (Regulation and Development) Act, 2016 was enacted. The sale of units of the project to the general public without obtaining mandatory registration certificate of the said project reflects a deliberate attempt to circumvent the statutory regulatory framework, derive unlawful economic benefit, and defeat the principles of transparency and accountability sought to be ensured under the Act. Such conduct undermines the authority of the Regulatory Authority and causes serious prejudice to the interests of the allottees.

18. Accordingly, the cumulative facts and circumstances on record conclusively establishes the violation of Section 3 of the Act in respect of the project in question committed by the respondent. The contravention thus stands duly established. Hence, keeping in view the objectives of the Act to regulate and promote the real estate sector in a transparent, fair, and accountable manner, the Authority deems it appropriate to impose a penalty of ₹5,00,000/- (Rupees five Lakh only), being equivalent to less than 1% of the estimated development cost of the similar project, as disclosed by the Respondent in its earlier application submitted for registration of the project Dream Home Apartment which has similar configuration of G+4 as impugned project.

19. Accordingly, the above said penalty is hereby imposed upon the Respondent-Promoter for the established violation of the Act. The Respondent is further directed to strictly desist from any such statutory violations in future and to ensure registration of the project immediately by completing all the requisite formalities in accordance with the provisions of the Act and the Rules framed thereunder.

- 20.**The respondent-promoter is hereby directed to deposit the aforementioned penalty amount of ₹5,00,000/- (Rupees five Lakh only) within a period of sixty (60) days from the date of issuance of this order. Failure to comply with this direction shall attract further action in accordance with the provisions of Section 59(2) of the Real Estate (Regulation and Development) Act, 2016.
- 21.**This bench further directs the office to issue a letter to the I.G. Registration, Bihar for issuing necessary instructions to all the concerned DSRs / Sub-Registrars concerned to impose a blanket ban on the execution of sale deed of any unit (flat/shop/part thereof) pertaining to the said project “*Balaji Dream Homes Apartment*” by the respondent company and its directors.
- 22.**The Office is directed to take all necessary measures to ensure the compliance of the aforementioned directions.

With the above observations and directions, this matter is disposed of.

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