

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**RERA/SM/680/2025**

**Authorised Representative of RERA**

**...Complainant**

**Vs**

**M/s Shiv Sati Developers Pvt Ltd.**

**...Respondent**

**Project: Ganga City**

**Present: For Complainant: Ms Ojaswi Ishani, Advocate**

**For Respondent: Mr. Krishna Kumar Singh, Advocate**

**19/03/2026**

**ORDER**

1. The matter was last heard on 20.01.2026. After hearing both the parties, the order was reserved and is being pronounced today. Ms Ojaswi Ishani, learned counsel, appears for the complainant/Authority. Mr. Krishna Kumar Singh, learned counsel, appears for the respondent.
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 "Ganga City". Accordingly, a preliminary notice 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 (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 advertisement placed on record.
6. The Respondent has filed a detailed reply dated 09.09.2025, wherein it is stated that the Respondent Company has neither any direct nor indirect involvement in the development, advertisement, marketing, offering for sale, or sale of plots in the alleged project titled “Ganga City.” It was further asserted that the Respondent Company has no project by the said name in Sonapur, District Saran. Additionally, the Respondent has submitted that it has not executed a single deed over the past five years in any planning or non-planning area, including Sonapur in District Saran or elsewhere.
7. Upon perusal of the submitted facts, the Bench, on several occasions, directed the Respondent to institute a complaint against the alleged wrongdoer so as to establish that the omission in question was attributable to a third party and not to the

promoter. In compliance with the said directions, the Respondent submitted that, despite persistent efforts to have an FIR registered at Agamkuan Police Station, he has not been successful in getting the same lodged.

8. In its supplementary reply dated 02.02.2026, the Respondent averred that, notwithstanding the disclosure of a cognizable offence and the submission of a written application, no effective action was taken by the concerned police authorities. Consequently, in view of such inaction and in order to comply with the spirit of the directions issued by the Hon'ble Bench, the Respondent issued a legal notice dated 09.12.2025 to the online platforms, namely, [www.99acres.com](http://www.99acres.com), [www.squareyards.com](http://www.squareyards.com), and [www.bhartibiz.com](http://www.bhartibiz.com), calling upon them to forthwith remove all false, misleading, and unauthorized content/publications wrongfully associating the Respondent Company with the alleged project "Ganga City, Parmanandpur, Sonapur." Pursuant to the service of the aforesaid legal notice, the said platforms duly removed the objectionable content.
9. The Respondent further submitted that it has instituted Complaint Case No. CA-109/26 dated 30.01.2026 before the Hon'ble Court of the Chief Judicial Magistrate, Patna City, against the concerned online platforms as well as unknown persons, alleging commission of offences pertaining to defamation, dissemination of false information, misleading advertisements, dishonest inducement, computer-related offences, and other allied provisions of law.
10. Perused the record and submissions.

**11.(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.*

**12.** Upon a thorough perusal of the material on record and due consideration of the submissions advanced by both parties, it is evident that the respondent promoter has undertaken substantial efforts to substantiate its claim. The respondent not only initiated proceedings by filing a complaint before the learned Magistrate but also made concerted attempts to procure the removal of the impugned advertisement from various platforms.

**13.** Furthermore, vide proceedings dated 15.10.2025, the Circle Officer was directed to submit a report with respect to the alleged contravention, including particulars pertaining to the current status of the project and the details of the developer. In the

absence of any response or report from the said authority, the Bench deemed it appropriate to adjudicate the matter on the basis of the material available on record. In view of the aforesaid circumstances, the Bench is of the considered opinion that no contravention of Section 3 of the Real Estate (Regulation and Development) Act, 2016 is made out.

**14.** This bench therefore observes that the present Suo Motu proceeding initiated under Sections 35 & 59 of the Real Estate (Regulation & Development) Act 2016 vide show- cause notice dated 15-11-2024 against the respondent for violation of section 3 of the Real Estate (Regulation & Development) Act 2016 against the Project “Ganga City” is devoid of merit and is fit to be therefore dropped.

**15.** This bench requests the I.G. Registration, Bihar for issuing necessary instructions to all the concerned DSRs / Sub-Registrars to impose a complete ban on execution of sale deed of any unit (flat/shop/part thereof) pertaining to the said project “*Ganga City*” by the respondent company and its directors.

**16.** The District Magistrate, Sonapur, Saran, is hereby requested to cause a detailed inquiry into the matter by undertaking a re-verification of the alleged contravention through the competent authority, in accordance with law. Such inquiry shall be conducted with due diligence so as to ascertain the veracity and extent of the alleged violation. In the event that any contravention is established upon such verification, the District Magistrate shall ensure that a fresh complaint is instituted and that all consequential and necessary action is initiated in accordance with the applicable statutory provisions.

17. The office is directed to take necessary action for implementation of the above directions.

18. With the above observations and direction this case is accordingly disposed of.

**Sd/-**

(Sanjaya Kumar Singh)  
Inquiry Commissioner,  
RERA, Bihar