

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/687/2025

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

Vs

Shree Nand Kumar **.....Respondent**

Project: Baidynath Dham

**Present: For Complainant: Mr. Abhinay Priyadarshi, Advocate
For Respondent: None**

21/01/2026

ORDER

1. The matter was last heard on 27.11.2025. After hearing both parties, the order was reserved and is being pronounced today. Mr. Abhinay Priyadarshi, learned counsel, appeared for the complainant/Authority. Learned counsel for the respondent was absent.
2. The present proceeding has been initiated against the respondent–promoter under Sections 35 and 59 for violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as “the Act”), on account of non-registration of the project “Baidynath Dham”. Accordingly, the Authority issued a preliminary show cause notice dated 15.11.2024, followed by a reminder notice dated 28.01.2025. As no reply or communication was received from the promoter, the Authority thereafter issued a notice dated 01.04.2025 by registering a suo motu case, calling upon the respondent–promoter to furnish an explanation.

3. The aforementioned notice was issued, and accordingly, the present case was initiated on the basis that no application for registration of the impugned project was filed after issuance of Form 'D' in relation to the said project. The application for registration of the project had earlier been submitted on 18.06.2021; however, owing to non-rectification of deficiencies by the respondent, the application was rejected and Form 'D' was issued on 09.03.2022. Thereafter, the respondent never applied for registration of the impugned project.
4. The learned counsel for the respondent–promoter submitted that the said project was registered with RERA in the month of October, 2022 in the name of “Akanksha Baidyanath Bhawan”, which, according to him, is the same project that was earlier applied for under the name “Baidynath Dham”. He further submitted that notwithstanding the difference in nomenclature, the project remains the same in all material respects.
5. The learned legal representative for the Authority–Complainant submitted that the project in question stands registered with the Authority as on date in the name of “Akanksha Baidyanath Bhawan”. Upon verification of the plot numbers of the said project, it was found that the plot numbers registered with RERA in the name of “Akanksha Baidyanath Bhawan” are identical to those of the project earlier applied for under the name “Baidynath Dham”. It was further submitted that, in compliance with the last direction of the Authority, the advertisement found in the public domain pertains to a period subsequent to the registration of the project and is, therefore, in conformity with the provisions of the Act and the Rules framed thereunder. Accordingly, the learned counsel for the Authority–Complainant requested that the present proceedings be dropped in light of the fact that the project already stands registered with the Authority.

6. Upon perusal of the material placed on record and after considering the submissions of the parties, it is evident that the project is duly registered with the Authority. Taking into account that no advertisement was found prior to the registration of the project so as to establish contravention during the period when the project was not registered with RERA, the present suo motu proceedings initiated under Sections 35 and 59 of the Real Estate (Regulation and Development) Act, 2016, vide notice dated 01.04.2025, against the respondent for violation of Section 3 of the Act in respect of the project “Baidyanath Dham”, are hereby dropped.

With these observations, the matter is disposed of.

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,