

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/689/2025

Authorised Representative of RERA

...Complainant

Vs

M/s Raman & Kumar Construction Ltd.

.....Respondent

Project: Mala Devi Tower

Present: For Complainant: Mr. Abhinay Priyadarshi, Advocate

For Respondent: Mr. Tarun Sagar, Advocate

24/10/2025

ORDER

1. The matter was last heard on 16.10.2025. After hearing both the parties, the order was reserved and is being pronounced today. Mr. Abhinay Priyadarshi, learned counsel, appears for the complainant/Authority. Mr. Tarun Sagar, 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 "Mala Devi Tower". Accordingly, a preliminary notice dated 15-11-2024 and further reminder notice dated 28.01.2025 was issued to the Respondent-Promoter by registering a suo motu case, seeking an explanation.
3. The aforementioned notice and case were initiated on the basis of *Form-D* issued in relation to the above-mentioned project, which was applied for registration pursuant to an inspection conducted by the Authority's team. The inspection revealed that the project was being developed by

the respondent, which *prima facie* indicates 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 been promoting the instant project and inviting potential buyers without obtaining the requisite registration as mandated under the Real Estate (Regulation and Development) Act, 2016.

4. The Learned Legal representative of the Authority submits that, pursuant to the inspection conducted by a team of the Authority, the present proceedings have been initiated. The inspection team had reported that the promoter is developing and marketing the project in violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (“the Act”), without registration of the project with the Authority as mandated under the Act.
5. The respondent has filed a reply stating that the project was earlier applied for registration on 15.01.2021. However, the said application was treated as withdrawn due to non-submission of certain documents as required under the provisions of the Real Estate (Regulation and Development) Act, 2016 (“the Act”) and the Rules framed thereunder. Subsequently, the respondent again applied for registration on 05.06.2025, which was duly granted by the Authority bearing Registration No. **BRERAP185728050625090430E00**. It was further submitted that the respondent had paid a penalty amounting to **Rs. 7,34,157.70/-** at the time of the earlier application for registration. The respondent has also submitted that no advertisement or promotion of the project was undertaken during the period of non-registration and, therefore, has prayed for dropping the proceedings initiated against it.
6. The learned legal representative for the Authority–Complainant filed a rejoinder and submitted that the project in question stands registered with the Authority as on date. It was further submitted that, in compliance of

the last direction of the Authority, the advertisement found in the public domain pertains to the period subsequent to the registration of the project and is therefore in conformity with the provisions of the RERA Act and the Rules framed thereunder. The same has been enclosed for reference. Accordingly, the learned counsel for the Authority–Complainant requests for the present proceedings to be dropped in light of fact that the project has already been registered with the Authority.

7. After Perusing the material placed on record and considering the submissions of parties that project is registered with the Authority and taking into account that no advertisement was found prior to the registration of project establishing contravention during the period when project in question was not registered with RERA, 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 and further reminder notice dated 28.01.2025 against the respondent for violation of section 3 of the Real Estate (Regulation & Development) Act 2016 against the the Project “**Mala Devi Tower**” is hereby dropped.

With these observations, the matter is disposed of.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar