

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**RERA/SM/691/2025**

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

**Vs**

**M/s Soumyvinayak Construction Pvt Ltd .....Respondent**

**Project: Ramanand Residency**

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

**For Respondent: Mr. Punit Kumar, Advocate**

**13.01.2026**

**ORDER**

1. The matter was last heard on 09.09.2025. After hearing both the parties, the order was reserved and is being pronounced today. Ms. Ojaswi Ishani, learned counsel, appears for the complainant/Authority. Learned counsel Mr. Punit Kumar, appears on behalf of the respondent.
2. The present proceeding has been initiated against the respondent-promoter under Section 35 and Section 59 for violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"), for the non-registration of the Project "Ramanand Residency".
3. The aforementioned case was initiated on the basis of the information gathered and upon verification of the details available on online platform, wherein it was observed that the said promoter was engaged in advertising and marketing the project titled "Ramanand Residency." Further, the records available on the website of Bihar RERA revealed that the said project, being promoted by M/s Soumyvinayak Construction Pvt. Ltd had earlier been applied for registration in RERA Bihar, which was rejected on 02.03.2022 for technical reasons.

During the course of investigation it was detected that despite a lapse of several years, no application for registration of the impugned project was filed at RERA and registration taken accordingly as mandated under the provisions of the Real Estate (Regulation and Development) Act, 2016. Based on the above, the authority issued a Show Cause Notice to the promoter for contravention of Sections 3 of the Act.

4. Accordingly, the authority issued a Preliminary Show cause notice on 15.11.2024, which was followed by a reminder notice dated 28.01.2025. As no reply or communication was received from the promoter, the authority issued a Show cause notice vide Memo no RERA/SM/691/2025 dated 01.04.2025 calling upon to appear before this bench and the above said promoter to explain as to why the penal action under Sections 35 and 59(1) of the RERA Act, 2016 should not be initiated against the respondent company for violation of Sections 3 of the Act.
5. In response to the said Show cause notice, the promoter M/s Soumyvinayak Construction Pvt. Ltd through their counsel submitted its explanation in the form of reply dated 15.05.2025, stating therein that the project namely Ramanand Residency situated at NTPC Colony, Ram Krishna Patna was proposed to be launched by the respondent company which the respondent had earlier applied for the Registration at RERA but since it was latter informed by the Patna Metropolitan Area Authority (PMAA) that the project site located in the buffer Zone, and therefore the said application for registration was

rejected vide order dated 24.02.2022 and it was intimated to the respondent vide letter 1318/2020/2023 dated 02.03.2022.

6. The respondent further in proceeding dated 31.07.2025 furnished a copy of Geo tagged photographs of the land demonstrating that the project is not being constructed. They also submitted a copy issued by the Executive Engineer, Patna Metropolitan Area Authority (PMAA), bearing Letter No 740 dated 18.06.2025, stating that the area intended for project development falls in the buffer Zone of Patna Master Plan, 2031 and hence, for this reason the promoter-respondent has not commenced construction of the said project, and the same has been kept in abeyance.
7. The legal representative of the Authority submits that based on the advertisements, which have been placed on record, it is prima facie evident that the respondent-promoter has violated Section 3 and of the Real Estate (Regulation and Development) Act, 2016 (“the Act”) by advertising the impugned project without registering the same with the Authority
8. The legal representative of complainant-Authority submits that the reply filed by the Respondent is evasive, and not with any proper supported evidence, and therefore fails to address the fact regarding violation of Section of the Real Estate (Regulation and Development) Act, 2016 committed by the Respondent, wherein he has admittedly advertised his project without obtaining mandatory registration of the project.
9. The legal representative of Authority further submits that the respondent had earlier submitted application for registration of their project “Ramanand Residency” G+4 Residential

Apartment through application number RERAP1130219215818-4 on 16.10.2020, which after scrutiny, was found unsatisfactory, following which the Authority after hearing the matter observed that despite the project falling within the jurisdiction of Patna Metropolitan Area Authority (PMAA), the map of the said project was approved by the approved by the Mukhiya Gram Panchayat, Sampatchak, District Patna. Hence, the promoter was directed to get their map approved by the above said competent authority.

- 10.** She further submitted that the promoter failed to comply with the query and hence, the application for registration was rejected and “Form D” was issued on 02.03.2022 for the reason “Non submission of duly approved Map by the competent authority”. Since then, the respondent has neither reapplied for registration of the said project nor obtained valid approval of RERA. Instead, the respondent continued to advertise the project on online platforms, misleadingly displaying the application number of the rejected application as the project’s RERA registration number.
- 11.** The legal representative of the complainant Authority also submits that, notwithstanding the explicit intimation issued by the Patna Metropolitan Area Authority (PMAA) categorically stating that the subject project is situated within the Buffer Zone as per the Patna Master Plan 2031, the promoter out of malafide intention has deliberately continued to advertise and promote the said project on various online platforms. The promoter has further acted in a fraudulent and illegal manner

by misusing the number allocated to his application, falsely projecting the said application number as a valid RERA registration number, thereby misleading the public and deriving unlawful benefit therefrom, and is therefore involved in unfair practice and gross irregularities.

- 12.** Learned counsel for the Respondent, after advancing arguments at length, prayed for exoneration from the imposition of penalty.
- 13.** Per contra, the learned Legal Representative for the Authority reiterated the earlier submissions and contended that the present case involves a blatant violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016, and accordingly prayed for imposition of penalty under Section 59(1) of the Act.
- 14.** Perused the record and submissions made therein.
- 15.** This bench, after a careful and detailed scrutiny of the pleadings, documents, and submissions placed on record, observes that the Respondent-Promoter, in his reply, has set out in detail how the project did not take off as envisaged. However, nowhere in his submissions has the Respondent justified his conduct of advertising, marketing, or offering for sale of a project which was not registered with this Authority and thus violating Section 3 of the Real Estate (Regulation and Development) Act, 2016.
- 16.** 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, buildings, or apartments or inviting persons to purchase in any manner such plot, building, or apartment, or to make advances or deposits for such purposes.*

**17.** The primary purpose of the Real Estate (Regulation and Development) Act, 2016, is to safeguard the interests of homebuyers. The very object behind the enactment of the Act, was to curb such unregulated, speculative, and opaque “pre-launch” activities which endanger the hard-earned money of homebuyers and erode their confidence in the real estate sector. The present case illustrates the mischief sought to be remedied by the Act.

**18.** The respondent has prayed for exonerating him for his “innocent mistake”. However, such a prayer cannot be entertained when the respondent himself has acted in utter disregard of statutory provisions thereby duping the prospective homebuyers under a false pretext.

**19.** Section 3 of the Act categorically stipulates as follows:

*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 of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act: Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act: Provided further that if the Authority thinks necessary, in the interest of allottees, for*

*projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.*

- 20.** The mandate of Section 3 of the Act, is unambiguous and absolute. No promoter can advertise, market, book, sell or offer for sale or invite persons to purchase in any real estate project without prior registration. It is an admitted and undisputed fact that the Respondent has advertised and marketed the said project, thereby making an offer for sale in clear contravention of the said statutory provision of the Act.
- 21.** In light of the above, this Authority unequivocally holds that the Respondent has committed violation of Section 3 of the Act. The Respondent's conduct does not only contravenes statutory provisions but also undermines the public confidence in the real estate sector.
- 22.** Accordingly, in exercise of the powers conferred under Section 35 read with Sections 37 and 38 of the Real Estate (Regulation and Development) Act, 2016, this Bench hereby gives the following directions:
  - A. The Respondent is restrained from undertaking any further promotional, advertising, booking, or sale activities in respect of the project "Ramanand Residency" or any other unregistered project, until the registration of the same is obtained from RERA.
  - B. The respondent is further directed to forthwith remove and take down the existing advertisement presently being displayed and circulated on various online platforms.

- C. While the contravention stands duly established, considering the objectives of the Act to regulate and promote the Real Estate Sector in a transparent and accountable manner, and considering the fact that the project land being situated at a buffer Zone, no construction of any such project is possible in the said Zone. Hence, this bench deems it appropriate to impose a moderate penalty in accordance with section 59(1) of Act. Accordingly, a penalty of ₹1,00,000/- (Rupees One Lakh only) is hereby imposed upon the Respondent-Promoter for the established violation.
- D. The respondent-promoter is hereby directed to deposit the aforementioned penalty amount of ₹1,00,000/- (Rupees One 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.
- 23.** 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