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REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/695/2025

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

Vs

M/s Maa Shakti Developers Pvt. Ltd. **...Respondent**

Project: Maa Shakti Complex

Present: For Complainant: Ms. Ojaswi Ishani, Advocate

For Respondent: None

09/03/2026

ORDER

1. The matter was last heard on 27.11.2025. After hearing the learned legal representative of the complainant/Authority, the order was reserved and is being pronounced today. Ms Ojaswi Ishani, learned counsel, appeared for the complainant/Authority. Learned counsel for the respondent was absent.
2. This 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 "Maa Shakti Complex". 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 case was initiated on account of the fact that the construction of the impugned project continued unabated despite the rejection of registration application and issuance of *Form-D* in

relation to the above-mentioned project, which was applied for registration. It was 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 for the Authority/Complainant submits that the respondent company has not appeared even once during the pendency of the matter. She further submits that despite sufficient opportunity having been granted to the respondent, he has failed to comply with the mandatory requirement of registration under Section 3 of the Real Estate (Regulation and Development) Act, 2016 for a considerable period after issuance of Form ‘D’. Such non-registration constitutes a violation attracting penal consequences under Section 59 of the Act.
5. Perused the record of the case and took into account the submissions of both the Respondent and the complainant.
6. (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.

7. After cautious and judicious study of the relevant statutory provisions, read with the material placed on record, this bench observes that in view of the respondent's continued non-compliance of the direction of this bench to file a valid reply and ensure his presence before the Bench, the respondent has neither filed any reply nor has appeared before the Bench. The Bench also 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 or appear, 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 to take a final decision in this matter on the basis of material available on record. As there exists no valid justification for keeping the matter pending indefinitely and delaying the adjudication of the matter further, the Bench therefore is constrained to decide the present case on the basis of the pleadings, documents, and evidence available on record.
8. It is evident that after rejection of the earlier application and issuance of Form 'D' dated 25.09.2021, no fresh application for registration was filed within a reasonable time. The respondent has neither rebutted the allegations nor justified the delay. In view of the promoter's continued non-appearance, a technical team was directed to visit the site to inspect the project *Maa Shakti Complex* and investigate the alleged violation of Section 3 of the Act. The team reported that after examining the records of the rejected projects in order to identify the project address, the team found that the sanctioned map relates to Mauza Saguna, Thana Danapur, District Patna. However, the coordinates submitted by the promoter in the application form indicate a location near the Punpun River in Mirzapur Village. Owing to this discrepancy and the absence of a precise project address, the site inspection could not be conducted by the technical team.

9. The bench takes notice of this discrepancy and observes that the respondent has acted in violation of section 4(2)(f) of the Act which states that the promoter shall fill the location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project. The violation of section 4(2)(f) of the Act by the promoter is thus established.
10. However, the Bench observes that there is insufficient evidence to establish a proper case regarding violation of Section 3 of the Act, as no advertisement of the project has been found on online platforms and no material has been placed on record to show that the promoter has developed, promoted, executed sale deeds, or sold flats to the general public. Therefore, in view of the material and evidence available on record, it may reasonably be concluded that the project does not fall within the ambit of Section 3 of the Real Estate (Regulation and Development) Act, 2016.
11. In view of the above-mentioned established violation of section 4(2)(f) by not providing the correct coordinates or address of the impugned project location, and considering that the respondent has deliberately failed to appear before the bench despite due service of notice, this Bench is satisfied that the respondent-promoter has contravened the provisions of Section 4 of the Act and is liable for penalty under Section 60 of the Act.
12. Accordingly, the cumulative fact and circumstances on record conclusively establishes the violation of Section 4 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 token penalty of ₹50000/- (Fifty Thousand only), being equivalent to less than 1% of the estimated development cost of the project, as disclosed by the Respondent in its earlier application submitted for registration of the project.
13. 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.

- 14.**The respondent-promoter is hereby directed to deposit the aforementioned penalty amount of ₹50,000/- (Rupees Fifty thousand 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.
- 15.**The Authority 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 "*Maa Shakti Complex*" by the respondent company and its directors.
- 16.**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