

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**RERA/SM/699/2025**

**Authorised Representative of RERA**

**.....Complainant**

**Vs**

**Shree Md Shahnwaz Kousar, Partner (Peace Buildtech)**

**.....Respondent**

**Project: Qamruddin Plaza**

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

**For Respondent: Mr. Ishtiyaque Hussain, Advocate**

**13/02/2026**

**ORDER**

1. Hearing taken up Ms. Ojaswi Ishani, learned counsel for the complainant/ Authority is present. Mr. Ishtiyaque Hussain, learned counsel for the respondent is also present.
2. The 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 "Qamruddin Plaza". Accordingly, a preliminary notice dated 15-11-2024 was issued to the respondent by registering a suo-motu case, seeking an explanation by a subsequent show cause notice on 01-04-2025.
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 respondent has filed a reply dated 31.07.2025 stating that the application for registration of the impugned project was earlier filed on 28.12.2018; which was rejected due to non-compliance of query related to the same. It has further been submitted by the respondent that they entered into a development agreement with the landowner in 2014 wherein it was mentioned that the project will be completed within 2 and a half years. Since the project was small and contained only 8 flats, the construction work as well as finishing work was completed much prior to the commencement of RERA Act 2016. In support thereof, the respondent has placed on record the Completion Certificate and Electricity bill pertaining to the said project. He has also mentioned that the construction of the said project was completed before the year 2017.
5. Learned counsel for the complainant submits that although the electricity bill produced by the respondent pertains to the month of April 2017, the completion certificate indicates that the project was completed only on 16th June 2017. It is further submitted that the said completion certificate cannot be treated as a valid certificate, as it does not bear the receipt, seal, or signature of the competent authority. Learned counsel further submits that, since the project had earlier been applied for registration under RERA, this itself is a proof that the project was an ongoing project, and therefore, non-registration of the same

tantamount to a violation of the provisions of Section 3 of the RERA Act.

6. Learned counsel for the complainant/Authority further submits that despite several opportunities given to the respondent to furnish the detail regarding concrete evidence for eg. copy of sale deed or a copy of occupancy certificate, the same could not be submitted by the respondent concerned and thus, they have failed to prove that the project in question was completed before the enforcement of the RERA Act 2016.
7. Perused the record of the case and took into account the submissions of both the Respondent and the complainant.
8. (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.*

9. A bare perusal of the relevant statutory provisions, read with the material placed on record, clearly establishes that the promoter has violated the mandatory requirements of the Real Estate (Regulation and Development) Act, 2016. The respondent's assertion that the project was completed before the commencement of the RERA Act remains unsubstantiated, as no authentic documentary evidence-such as a sale deed or the occupancy certificate etc. has been produced to demonstrate that the plea of respondent is true and fit to be considered as a substantial evidence.
10. Furthermore, the contention advanced by the respondent that the impugned project/building was completed prior to the coming into force of the RERA Act, and the evidence produced in support thereof, has been found to be totally untenable. The promoter has relied upon an electricity bill dated 10.04.2017, which reflects the date of electricity connection as 12.03.2017. Although, at a first glance, this may indicate the existence of the building prior to the commencement of RERA, it does not constitute a conclusive proof that the project stood fully completed before the enforcement of the Act. It is a common practice among the promoter/builders to obtain electricity connections during the construction phase, as electricity is required for various construction-related purposes. Hence, in light of the above observations, the electricity bill with the name of promoter cannot be treated as a cogent or a reliable evidence for establishing the fact that the of completion of the impugned project has been done prior to that date.
11. Moreover, the completion certificate produced by the respondent as purported proof of completion of the project cannot be

accepted as a valid or a legally enforceable document as a mere perusal of the said certificate reveals that it neither bears any receipt number nor does it bear any, official seal, or signature of the competent authority, which is a mandatory requirement under the relevant provisions of the Bihar Building Bye-Laws, 2014. In the absence of such essential statutory endorsements, the authenticity and legality of the said completion certificate remain doubtful and unverified. It is well settled that only a completion certificate duly issued and the receipt of the same authenticated by the competent authority in accordance with the applicable building regulations can be treated as conclusive evidence of completion of a project. Accordingly, the document relied upon by the respondent lacks authenticity and therefore fails to establish that the project had been lawfully completed in terms of the governing statutory framework.

- 12.** This unequivocally demonstrates that the promoter had voluntarily and deliberately failed to register their project, as mandatorily required under Section 3 of the Act. Such conduct amounts to a clear violation of the statutory obligation cast upon every promoter to apply for and obtain registration of the real estate project prior to undertaking any activity in relation thereto.
- 13.** Furthermore, it is pertinent to note that the promoter applied for registration of the project in the year 2018 under the category of a *new project launch*. At the same time, the promoter has taken a contradictory stand by claiming that the project had already been completed in the year 2017. This inconsistency in the stand of the promoter clearly raises serious doubts about the veracity of its claim. Prima facie, such contradictory conduct indicates that, at the time of applying for registration, the project was in fact an

ongoing project and had not attained completion within the meaning of the Act. Despite being afforded sufficient opportunity, the promoter-company has failed to place on record any cogent or corroborative evidence, such as registered sale deeds, occupancy certificates, or any other contemporaneous statutory documents, to substantiate its assertion that the project stood completed prior to the enforcement of RERA Act 2016. In the absence of such material evidence, the claim of the promoter that the project was completed before the enforcement of the Act cannot be accepted.

14. These deficiencies materially contradict the respondent's plea that the project has been completed before RERA came into force.
15. Additionally, the very fact that an application for registration of the said project was earlier filed by the respondent-promoter clearly establishes their intention to develop the project in question on account of funding to be procured from prospective buyers. In the absence of cogent evidence to the contrary, it is evident that the project was still an ongoing project during the commencement of the Act, and promoter sold the flats without obtaining mandatory registration as per the statute. Such conduct is a blatant contravention of Section 3 of the Act.
16. Accordingly, the conduct of the respondent-promoter constitutes a clear statutory violation and squarely attracts the penal provisions as prescribed under the Act.
17. The conduct of the Respondent not only constitutes a violation of the aforesaid provisions of the Act but also strikes at the very object and purpose for which the Real Estate (Regulation and Development) Act, 2016 was enacted. The sale of units of the

project to the general public without obtaining mandatory registration certificate of the said project reflects a deliberate attempt to circumvent the statutory regulatory framework, derive unlawful economic benefit, and defeat the principles of transparency and accountability sought to be ensured under the Act. Such conduct undermines the authority of the Regulatory Authority and causes serious prejudice to the interests of the allottees.

- 18.** Accordingly, the cumulative facts and circumstances on record conclusively establishes the violation of Section 3 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 penalty of ₹2,00,000/- (Rupees two Lakh only), being equivalent to less than 1% of the estimated development cost of the impugned project, as disclosed by the Respondent in its earlier application submitted for registration of the project.
- 19.** 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.
- 20.** The respondent-promoter is hereby directed to deposit the aforementioned penalty amount of ₹2,00,000/- (Rupees two 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.

- 21.**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 “*Qamruddin Plaza*” by the respondent company and its directors.
- 22.**The Patna Municipal Corporation is directed to verify and ascertain the authenticity and validity of the Completion Certificate submitted by the respondent-promoter in respect of the project and to communicate its findings to RERA Bihar for further necessary action required at the end of the Authority (RERA).
- 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