

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/707/2025

Authorised Representative of RERA

...Complainant

Vs

M/s Concicon Construction Pvt Ltd.

.....Respondent

Project: Veena Vihar Apartment

**Present: For Complainant: Ms Ojaswi Ishani, Advocate
For Respondent: Mr. Sharad Shekhar, Advocate**

13/01/2026

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. Ms Ojaswi Ishani, learned counsel, appears for the complainant/Authority. Mr. Sharad Shekhar, 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 "Veena Vihar Apartment". Accordingly, a preliminary notice dated 20.12.2024 was issued to the Respondent-Promoter by registering a suo motu case, seeking an explanation.

3. The aforesaid notice and proceedings were initiated on the basis of an advertisement received, circulated on an online platform, which *prima facie* reveals 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 promoted this project on online platform and has thus invited prospective buyers without obtaining the registration of the said advertised project as mandated under the Act.
4. The learned legal representative of the Authority submitted that the promoter is marketing the project by means of advertisement in violation of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as “the Act”), without obtaining the mandatory registration of the project with the Authority as required under the Act.
5. The legal representative of the complainant-Authority further submitted that the Respondent has contravened section 3 of the Act, as they had advertised their project prior to obtaining registration, which is established by a mere perusal of the from the brochure placed on record. The said brochure clearly establishes the act of advertisement. The complainant also submits that the sale deed placed on record pertains to Block D of the project, and it is evident from the brochure itself that the project comprises of multiple blocks, from Block A to Block E which also include block D.
6. The respondent has filed a detailed reply dated 18.11.2025, wherein it is averred that, notwithstanding the fact that the Authority has taken suo motu cognizance in respect of the project titled *Veena*

Vihar Apartment, comprising Blocks A, B, C, D and E, developed by the respondent, the said project had attained completion much prior to the coming into force of the Real Estate (Regulation and Development) Act, 2016. It was further contended that physical possession of the respective apartments also already been duly handed over to the concerned allottees before the commencement of the RERA Act, 2016.

7. In order to substantiate the aforesaid assertion, the respondent has placed reliance upon documentary evidence in the form of Absolute Sale Deeds executed well before the enforcement of the RERA Act, 2016, namely: Absolute Sale Deed bearing No. 15040 dated 07.05.2013 in respect of Block B; Absolute Sale Deed bearing No. 15703 dated 10.05.2013 in respect of Block A; Absolute Sale Deed bearing No. 5365 dated 09.05.2014 in respect of Block D and Absolute Sale deed bearing no 4520 dated 28.02.2014 in respect of Block E.
8. The respondent has further categorically submitted that there has been no violation or contravention of any provision of the RERA Act, 2016, inasmuch as the respondent has neither advertised nor promoted the aforesaid project, nor circulated any pamphlets or brochures, nor invited, demanded, or accepted any booking amount or consideration from prospective allottees in respect of the said project after the commencement of the RERA Act, 2016.
9. The learned legal representative for the Authority-Complainant in compliance of the direction of this Authority, given during the last hearing held on 16/10/2025 has filed his verification report in this

bench, wherein he has submitted that, a perusal of the absolute sale deed furnished by the respondent makes it clear that the same has been executed before the enforcement of RERA Act 2016. In view of the above, learned counsel for the Authority–Complainant prays that the present proceedings against the respondent be dropped.

10.After perusing the material placed on record and considering the submissions of the parties, it is clear that all the Absolute Sale Deeds pertaining to the impugned project were executed well before to the coming into force of the Real Estate (Regulation and Development) Act, 2016, thus clearly establishing that all the units and blocks had been sold and that the construction of the said project had been completed before the enforcement of the Real Estate (Regulation and Development) Act, 2016. Thus with regard to the material and evidence available on record, it can be reasonably concluded that the project does not fall within the ambit of Section 3 of the Real Estate (Regulation and Development) Act, 2016, accordingly the present *suo motu* proceedings initiated under Sections 35 and 59 of the Real Estate (Regulation and Development) Act, 2016, vide show cause for suo moto notice dated 20.03.2025, against the respondent for alleged violation of Section 3 of the Act in respect of the project “Veena Vihar Apartment” is hereby dropped.

With these observations, the matter is disposed of.

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar