

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/724/2025

Authorised Representative of RERA

...Complainant

Vs

M/s Tirupati Homes Pvt. Ltd.

...Respondent

Project: Shail Maheshwari

Present

For Complainant: Mr. Rishav Raj, Advocate

For Respondent: Mr. Sahil Kumar, Advocate

14/01/2026

ORDER

1. The matter was last heard on 30.10.2025. After hearing both the parties, the order was reserved and is being pronounced today. Mr. Rishav Raj, learned counsel, appears for the complainant/Authority. Mr. Sahil Kumar, learned counsel, appears for the Respondent.
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 "Shailja Matheshwari Enclave/ Shail Maheshwari". Accordingly, a notice dated 20-03-2025 was issued to the Respondent-Promoter by registering a suo motu case, seeking an explanation.
3. The aforementioned case was initiated on the basis of an advertisement published on an online platform, namely Magicbricks, dated 17.03.2025, which indicated that the respondent was promoting the project by way of advertising without obtaining registration of the project within the

jurisdiction of RERA, Bihar, in violation of Section 3 of the Act.

4. The respondent appeared through counsel and filed a detailed reply along with a registered sale deed dated 29.03.2017. The respondent contended that the development of the project and its subsequent sale were completed transactions that took place prior to the enforcement of the Real Estate (Regulation and Development) Act, 2016. Therefore, the present case may be dropped.
5. Upon a thorough examination of the documents and the legal report, the Authority observes the following:
 - (i) The registered sale deed produced by the respondent establishes that the transaction was executed on 29.03.2017, which is prior to the enforcement of the Real Estate (Regulation and Development) Act, 2016 (which came into force on May 1, 2017).
 - (ii) It is a settled principle that the penal provisions of the Act cannot be applied retrospectively to projects or transactions that were fully concluded and registered before the Act was implemented. The legal report further confirms that the project does not fall under the category of an "ongoing project" as the said project was completed before the enforcement of the Real Estate (Regulation and Development) Act, 2016.
6. After Perusing the material placed on record and considering the submission of both the parties the bench observes that no

violation of section 3 of the Act has been established. Consequently, there is no requirement for further penal action under Section 59 of the Act. Accordingly, the present Suo Motu proceeding initiated against the respondent M/s Tirupati Homes Pvt. Ltd. for the Project "Shailja Matheshwari Enclave/Shail Maheshwari" is hereby dropped.

With the above observations, the matter is disposed of.

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