

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Ved Prakash,

Special Presiding Officer

Case No: RERA/SM/734/2025

Authorized Representative of RERA

...Complainant

Versus

M/s. Kamini Engicon Pvt. Ltd.

...Respondent

Project: Ashiyana Awadh Mansion

Present: For Authority: Sri Ankit Kumar, Advocate.

For Respondent: Sri Amit Singh, Advocate

18.09.2025

ORDER

1. The Real Estate Regulatory Authority, Bihar, issued a *Suo Motu* show-cause notice dated 16.05.2019 to the Respondent company in respect of the present project along with certain other projects. Subsequently, vide order dated 28.02.2025 in Case No. SM/394/2019, the proceedings pertaining to the present project were separated from those concerning the other projects.
2. Thereafter, on 19.06.2025, a further *Suo Motu* show-cause notice was issued to the Director of the Respondent company for contravention of Section 3 of the Real Estate (Regulation and Development) Act, 2016, for advertising the unregistered project “Ashiyana Awadh Mansion” within the jurisdiction of RERA, Bihar. The promoter was directed to show cause as to why proceedings under Sections 35 and 59 (1) of the RERA Act, 2016 should not be initiated against them.
3. The learned counsel for the respondent by filing a reply dated 28.08.2025, submits that Ashiyana Awadh Mansion is Ashiana Mall and is registered with RERA Bihar on 22.05.2024. Hence, there is no violation of Section 3 of the RERA Act, 2016 and the present notice may be dropped.
4. The learned advocate on behalf of the Authority submits that a show-cause notice was issued to the promoter on 16.05.2019, whereas the project was registered with RERA Bihar only on 22.05.2024. The show-cause notice dated 16.05.2019 was thus issued prior to the submission of the promoter’s application for registration of the project, which amounts to a clear violation of Section 3 of the RERA Act, 2016.
5. Heard both the parties and perused the record.
6. Section 2(b) of the RERA Act, 2016 states that:

“advertisement” means any document described or issued as 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;

7. Further Section 3 (1) of the RERA Act, 2016, states:
"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."
8. The Bench observes that the promoter/respondent has violated the provisions of Section 3 of the RERA Act, 2016, by advertising the project on his website prior to its registration with RERA Bihar.
9. In the application for the registration of the project Ashiyana Awadh Mansion, the respondent mentioned that the total estimated cost of the project is Rs.65,00,000.
10. Hence, in light of the above observations, it is established that the respondent company has violated the provisions of Section 3 of the RERA Act, 2016 by advertising the project on his website prior to its registration with RERA Bihar. Consequently, the Bench decides to impose a penalty under Section 59(1) of the RERA Act, 2016, against the respondent/promoter. Therefore, a penalty of Rs. 5,00,000 (Five Lakh) is imposed on the respondent company, which is less than 8% of the total estimated cost of the project Awadh Mansion. This amount must be paid by the respondent company within sixty (60) days of this order. In case of non-compliance, action under Section 59(2) of the RERA Act, 2016 will be initiated.

With these directions, the matter is disposed of.

Sd/-

Ved Prakash
Special Presiding Officer