REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer,
Mr. Ved Prakash, RERA, Bihar
Case No: RERA/Agent /33/2023

Authorised Representative of RERA **…Complainant**

Versus

M/s. Assets 99 Homes Pvt Ltd **...Respondent**

Project: N/A

Present: **For Authority:** **Shri Ankit Kumar,Advocate**

For Respondent: **Ms Kriti Suman , Advocate**

09.10.2025 **ORDER**

1. The matter was taken up. Learned counsels on behalf of both the parties are present.
2. The Real Estate Regulatory Authority, Bihar issued a show-cause notice under Section 9(7) of RERA Act 2016 on 06.03.2025 to the respondent that they advertised a project which was not registered with the Authority and while mentioning their Agent registration number and making false or misleading representations concerning services to allottees by selling plots under the false pretence that the project was registered with the RERA,Bihar and thereby contravened provisions of Sections 10(a) &10(c)(i)(B)(C) of the Real Estate (Regulation & Development) Act 2016 and clause 2(i) and 2(iii) of form H.
3. Learned advocate for the Authority submits that the respondent has advertised a Project that was not registered with the Authority. In

support of his submissions, he placed reliance on the advertisements filed on the record along with the notice issued to the respondent.

4. Learned counsel for the respondent/ promoter by filing reply submits that the respondent company is registered with RERA ,Bihar as real estate agent under Agent Registration No BRERAA12303/33/A-536/2023 ,and has been strictly complying the with all the provisions of RERA Act 2016.She further submits that company has never issued or published pamphlets, advertisement, or promotional material for sale of any land or project as alleged by the Hon'ble Authority. She further submits that the alleged materials have been circulated by some unknown miscreant(s) without their consent or knowledge, misusing the good name of their company.
5. Learned counsel for respondent further submits that the company has never been engaged in any kind of construction or development activity, nor does it function as a promoter under the definition provided in RERA Act. She further submits that the company is solely registered as a Real Estate Agent and has been carrying out only those functions which are permitted within the scope of the provisions of Sections 9 and 10 of RERA Act 2016.
6. Learned counsel further submits that immediately upon becoming aware of the incident, the respondent company approached the local police station on 19.06.2025 to lodge FIR against a unknown individual(s). However the police declined to register an FIR or even record a Sanha, citing the absence of identifiable information about the miscreant.
7. Learned counsel for respondent further submits that in absence of dedicated online FIR facility by the Bihar Police, the company has filed E-FIR through a detailed E- Mail complaint dated 07.08.2025

to ps-rupaspur.pat.bih@nic.in. as per provisions of Section 173 of the Bhartiya Nagarik Suraksha Sanhita (BNSS) 2023, but no acknowledgement or response could be received.

8. Learned counsel later on by filing copy of Shastri Nagar P.S Case No. 640/2025 dated 05.09.2025 under Section 318(2) and 319(2) BNS 2023 submits that the respondent is fully prepared to cooperate with the relevant authorities to identify and take appropriate action against the miscreant(s)responsible for the said unauthorized activity. She submits that since the respondent is not involved in violations of Section 10(a),10(c)(i)(B)(C) of RERA Act 2016 and clause 2(i) and 2(iii) of form H. Hence the notice and present case against the respondent may be dropped.
9. Perused the record. Admittedly the respondent promoter is registered as Real Estate Agent vide registration No. BRERAA /12303/33/A-536/2023. However, the respondents have claimed that they are strictly complying with the all the provisions of RERA Act 2016.The respondents denied about the advertisements published in their names and they submit that they have never been engaged in any constructions or developmental activity nor does it function as a promoter under the definitions provided under RERA Act. She further submits that the company is solely registered as a Real Estate Agent and has been carrying out only those activities that are permitted within the scope of such registration.
10. The learned counsel for the respondent by filing copy of FIR of Shastri Nagar P.S Case No. 640/2025 under Section 318(2) and 319(2) of BNS 2023 submits that some unknown miscreant(s) have published the advertisement in name of respondent and respondent has taken legal actions against the said miscreant(s) and police may

take appropriate actions against the culprit (s) and respondent will fully cooperate with the police.

11. From the above discussion it is clear that mere publication of an advertisement in name of the promoter will not automatically make them responsible unless it is proved that the Agent was involved in or gave consent to such publication /advertisement. Police has not reported as yet that the respondent was directly /indirectly involved in or has consented for publication/advertisement. Since the respondent have taken appropriate actions for unauthorized publication by filing FIR, it is established that the respondents have acted in good faith and tried to fully disclose name of defaulter(s) and have taken corrective measures.
12. Hence it is established that respondent is genuinely not involved in publication /advertisement of project N/A and police is in position to book the guilty. who has/have got published /advertised the same in name of the respondent. It appears that violations of provisions of Section 10(a) &10(c)(i)(B (C)of RERA Act 2016 and Clause 2(i) 2(iii) of Form H against the respondent are not established. Hence, notice issued under Section 9(7) of the RERA Act, 2016 and present case against the respondent is dropped

With these observations and directions, the matter is disposed of.

(Ved Prakash)
Special Presiding Officer
RERA, Bihar