

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Ved Prakash,

Special Presiding Officer

Case No: RERA/SM/775/2025

Authorised Representative of RERA

...Complainant

Versus

M/s. Ambey Bhawani Projects Ltd

...Respondent

Project: Maa Ambey Valley

Present: For Authority: Mr. Ankit Kuamar, Advocate.

For Respondent: Mr. Tarun, Advocate.

11.09.2025

ORDER

1. The Real Estate Regulatory Authority, Bihar, issued a Suo Motu show-cause notice on 04.08.2025 to the Director of the respondent company through Directors Mr. Rajesh Sarda and Poonam Sarda for advertising the project visible promotional materials displayed at the project entrance and taking bookings of the plots as well as selling the plots of the project to different buyers without prior registration with the Authority and thereby violating provisions of section 3 of Real Estate (Regulation & Development) Act, 2016. The respondents were directed to show cause as to why proceedings under Section 35

and 59(1) of the Real Estate (Regulation & Development) Act, 2016 should not be initiated against them.

2. Learned Advocate for the Authority submits by showing different sale deeds that the respondent has not only advertised unregistered project, but has taken bookings and executed sale deeds in favour of the several buyers and thereby they contravened the provisions of Section 3 of RERA Act 2016.
3. The learned counsel for the respondent by filing reply dated 21.08.2025 submits that the Ambey Bhawani Projects Pvt Limited company has not engaged in activities related to advertising, marketing, booking, selling or offering for sale any plot, apartment, or building as a part of real estate project as defined in Section 2(zn) of RERA Act 2016. He further submits that the subject land was originally acquired with the sole intention of establishing a manufacturing unit/factory/financial unit, which does not fall within the purview of real estate project as per RERA Act 2016. However the project could not proceed due to the reasons firstly the company was unable to acquire the entire contiguous land required for the industrial unit as some farmers sold land to individual buyers who were unwilling to transfer their holding to the company, secondly the economic slowdown caused by the Covid 19, thirdly the

company has sold the land on an as is where is basis, without undertaking any development, valuation or infrastructure improvement. In this connection no boundary wall plotting or demarcation of land has been carried out. Further no infrastructure facilities such as electricity poles, main roads or any other amenities have been provided by the company. Further the land was sold in the same condition as was purchased without modifications. He further submits that the company has absolutely no relation with any project being carried in name of MAA Ambey Valley. Further none of the directors, staff, employee, shareholder, agency etc is in any manner connected or involved in the alleged project.

4. Learned counsel further submits that the company has not engaged in any kind of advertisement, marketing or promotional activities such as billboard banners, posters, or any medium to invite persons to purchase the land. The transactions were purely for the disposal of lands to recover investment. He further submits that the company has no control over the subsequent purchaser's actions over the purchased land. Further the part of land was sold to the Technoculture Building Centre Private Ltd a registered promoter with the RERA, Bihar for several of its projects, which shows that the company sold

the land to a promoter and not to an allottee. The Technoculture company has already started construction and development works on its demarcated land.

5. Learned counsel further submits that the company has not violated the provisions of Section 3 of RERA Act 2016 as the company has neither advertised nor has sold the land after development. He submits that the company has not engaged any activities that require RERA registration and therefore there is no ground for initiating proceedings under Section 35 and 59 of RERA Act 2016. Hence the present Suo Motu notice and case against the company may be dropped.
6. Perused the record. Section 3 of the RERA Act 2016 says that no promoter shall advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot or apartment or building, as the case may be, in a real estate project or part of it, in any planning area, without registering the real estate project with Real Estate Regulatory Authority established under the Act. The 1st proviso of Section 3 further provides that the projects which are ongoing on the date of commencement of the Act and for which completion certificate has not been issued, the promoter shall file application to the

Authority for registration of the said project within 3 months period from the commencement of the Act.

7. Further real estate project is defined under Section 2(zn) of RERA Act 2016, which provides that real estate project means the development of the building or a building consisting of apartments, or converting an existing buildings or part of thereof into apartments, or the development of land into plots or apartments as the case may be, for the purpose of selling all or some of said apartments or plots or building as the case may and includes common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging thereto.
8. Admittedly the respondent has executed several sale deeds in favour of buyers. The learned counsel for the respondent promoter has himself filed photocopy of sale deed no.4988 10.04.2024 executed by the Ambey Bhawani projects Pvt Ltd through its representative Gopal Kumar Sharda in favour of Technoculture Centre Pvt Ltd through its representative Onkar Prasad in Khata No.80, Plot No.910, area 1 Acre 22 Decimal 25 Square Kari and in Plot No.911, Area 1 Acre 34 Decimals 700 Square Kari is transferred with boundary N-service road S-Santosh Singh, E-Md Abbas W-Udai Kumar Singh. Learned

counsel has further filed sale deed no.2449 dated 06.02.2023 executed in favour by Ambey Bhawani Projects Pvt Ltd through its representative Gopal Kumar Sharda in favour of Ullash Kishore ,wherein Khata no 80 Plot no.909 area 6 decimal 300 square kari is transferred with boundary N-purchaser Upashana Kumari ,S- purchaser Ujjawal Kishore E-Niz seller W- private road 30 feet . He has further filed sale deed no.10278dated 26.05.2023 executed by Ambey Bhawani Projects Pvt Ltd through its representative Gopal Kumar Sharda in favour of Rajesh Kumar Keshary area 10 decimal 500 Square kari in Khata no.80, Survey Khesara No. 907 with boundary N-Niz seller S-Mithlesh Kumar E-Plot no.913, W- Private road 30 feet. Learned counsel has further filed sale deed No.2450 dated 06.01.2023 executed by Maa Ambey Projects Pvt Ltd through representative Sri Gopal Kumar Sharda in favour of Upashana Kumari area 6 decimal in Khata No.80 Plot no.909 with boundary N-purchaser Sangeeta Devi, S-purchaser-Ullash Kishore ,E-Niz Seller W-private read 30 feet. He has filed sale deed No.2448 dated 06.02.2023 executed by Ambey Bhawani Projects Private Ltd through legal representative Sri Gopal Kumar Sharda in favour of Smt. Sangeeta Devi area 6 decimal 300 Square kari in Khata No.80

Plot no.909 with boundary N-survery road S-purchaser Upashana Kumari E-Niz seller W- private 30 feet road .Learned counsel has further filed sale deed 2452 dated 06.02.2023 executed by Ambey Bhawani Projects Pvt Ltd through representative Sri Gopal Kumar Sharda in favour of Ujjawal Kishore area 6 decimal 300 Square Kari in Khata no.80 plot 909 with boundary N-purchaser Ullash Kishore S-Niz seller E- Niz seller W- private 30 feet road .He has further filed sale deed No.15275 dated 31.08.2022 executed by Ambey Bhawani Projects Pvt Ltd through representative Sri Gopal Kumar Sharda in favour of Sri Mani Kant area 11 decimal 445 Square Kari in Khata No.80, plot no.913 with boundary N-Niz seller ,S-Niz seller E- private 30 feet road W-Niz seller further sale deed no.11349 dated 07.06.2023 is filed by the respondent counsel executed by Ambey Bhawani Projects Pvt Ltd though representative Sri Gopal Kumar Sharda in favour of Smt Varsha Kumari Area 3 Decimal 675 Square Kari with boundary N-Rajesh Kumar Keshari S-Niz seller E-plot no-913 W- 30 feet private road .

9. From the discussion of above sale deeds it is transpired that there is a survey road in north side of Plots and from which the respondent has connected a 30 feet private road and all the

plotting are done either connecting with survey road or with the 30 feet private road. Converting land into plots along with advertisement covers the development of land. The respondent has clearly provided the facilities to further collect the other amenities and such development also covers the real estate projects defined under Section 2 (zn) of RERA Act 2016. In such facts and circumstances the respondent was required to register the project prior to selling the plots to different purchases/allottees. It is to be clarified that if any allottee like Technoculture Building Centre Pvt Ltd further develops land having area of more than 500 Square Meter and advertises for sale or executes an agreement for sale to public, it is also required under the provisions of Section 3 of RERA Act 2016 to get registration of the said project. Hence the submissions of learned counsel for respondent are not tenable.

10. The respondent has filed the executed and registered sale deeds of more than worth Rs.2,19,67,500/-. The other plots are still to be sold to prospective buyers by the respondent. The respondent has purchased these lands on 26.06.2015 and other dates. The RERA Act 2016 has been enforced on 01.05 2017 and the respondent knowingly and intentionally without prior registration of the project advertised and sold these land going

disregard to the provisions of Section 3 of RERA Act 2016. Hence respondent is liable to pay a penalty under the provisions of Section 59(1) of RERA Act 2016 for violations of Section 3 of the Act 2016.

11. Hence in the light of observations made above, it is established that respondent company has advertised and booked unregistered project. Hence, the Bench imposes a penalty of Rs.5,00,000/-, (five Lakh) under the provisions of Section 59(1) of the RERA Act, 2016 against the respondent, which is less than 3% of admitted the estimated cost of the project. This amount has to be paid by the respondent company within sixty days of this order. Non-compliance with this directive will result an action under Section 59(2) of the RERA Act, 2016.

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

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar