



REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Senior Land Revenue Officer, RERA, Bihar.
RERA/SM/745/2025

Authorised Representative of RERA Complainant
Vs
M/s Green Homes Buildtech Pvt Ltd Respondent

Project: Green Park

Present: For Complainant: Ojaswi Ishani
For Respondents: Mr. Ishtiyaque Hussain, Adv.

28.07.2025

ORDER

1. Hearing taken up. Learned legal representative Ojaswi Ishani appears on behalf of the RERA. Learned counsel Mr. Ishtiyaque Hussain appears on behalf of the respondents.
2. A Suo Motu proceeding has been initiated against the promoter in respect of the project "Green Park" on the basis of field inspection made by RERA Team in collaboration with District Administrations, Saran which is not registered with the Real Estate Regulatory Authority, Bihar as required under the provisions of the Real Estate (Regulation and Development) Act, 2016. It is submitted by the Learned Counsel for Authority that a show cause notice dated 12.06.2025 has already been served upon the promoter. It has been further brought to the Authority's attention that the promoter is engaged in the development, advertisement, marketing, offering for sale, and selling of plots in the said project without registration, thereby acting in contravention of Section 3 of the Act.

3. In reply to the above show cause issued to the respondents, the measure thrust of the respondents was to take the plea that the respondent is in process of purchasing some land for plotting purchase and have purchased some land situated at Mauza-Chaturpur as well as Murthan, Pargana Kasmar, Thana, Anchal and registry Office, Sonapur. Further that these Mauza, ie Chaturpur as well as Murthan have been recently notified by the state government in planning area in the year 2023 and before it fell into gram panchayat Raj. That they have not executed a single deed or sale, and they planted the board of green park on the site to ascertain whether the present purchased land is free from encumbrance. In support of the above contention the respondent submitted Absolute sale deed dated 05.06.2023 and 04.11.2023 showing that respondent purchased the land and have not mutated any of such land yet.
4. The legal representative of RERA to corroborate the above submission further submits that the promoter has willfully failed to comply with the mandatory provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016, despite being fully aware of the statutory requirement of prior registration of the project "Green Park" with the Authority before undertaking any development, marketing, or sale activities.
5. It is further submitted that the promoter's actions not only undermine the intent and purpose of the Act, which is to bring transparency, accountability, and consumer protection in the real estate sector, but also

prejudice the interests of allottees who may be induced into transactions without the safeguards offered by a registered project.

6. The non-compliance demonstrates a deliberate disregard for regulatory norms and warrants the initiation of proceedings under Section 59 for penal consequences, and if required, further investigation under Section 35.
7. The technical report along picture of the geo-tag pertaining to the project land in contravention was placed on record. From the report, it transpires that the project is situated in Anchal Sonpur, Mauza Murthan Saran, Bihar, measuring approximately. 8813.23 Sqm and more land was demarcated into more than 8 plots. On-site advertisement was carried out on the board and hoarding by displaying the project name, and the promoter's company name on the main gate, and several advertisements were carried out on different websites for the sale of such a project.
8. An advertisement on Facebook placed on record displayed a post dated 24 September 2024 by Green Park Bihar, showing registry being done for the Murthan Project, which clearly shows a violation of the RERA Act 2016. In addition to that, an advertisement was also posted by Abhay Kumar on the online website of the company for the sale of plots in Sonpur and Darbhanga.
9. Further, the legal representative of RERA submits that the averments made by the respondent are completely infructuous since the respondent alleged that the advertisement done on the site of the project was done to ascertain whether the land was free from all encumbrances is absurd, there are plethora of ways to determine that, the same cannot dissolve the

respondent from the liability of section 3. The respondent was silent on advertisement on Facebook and other online website.

10. Further, it was observed by authority that many advertisements were posted on the different website for public view.
11. Heard the parties.
12. The Authority has perused the materials placed on record and taken note of the submissions made by the parties.
13. The term Advertisement has been defined under Section 2(b) of the Real Estate (Regulation and Development) Act, 2016 as follows:

“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.”

14. The materials submitted on record in the form of an advertisement, clearly establishes that the respondent actively developed and promoted its project, *Green Park.*, not only by offering units for sale but also by advertising, at various platforms. Such promotional activity, undertaken without prior registration as required, constitutes a violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Consequently, the advertisement in question

squarely falls within the definition provided under Section 2(b) of the Act.

15. As asserted in their defense, the respondents have failed to produce any credible or substantive evidence to rebut the materials available against them, or to justify the brochure placed on record in the form of an advertisement promoting the unregistered project Green Park.
16. The respondent has actively promoted a project that is not registered with this Authority, thereby violating the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016.
17. The technical report placed on record including geo-tagged images of the site, signage and evidence placed on record clearly establishes that the project was being marketed and promoted in a structured and commercial manner. This directly attracts the applicability of Section 3 of the Real Estate (Regulation and Development) Act, 2016. The respondent's plea is devoid of any substantive averments or credible evidence to demonstrate that the contents of the report is imaginary. Accordingly, the objections raised by the respondent are found to be baseless and devoid of merit.
18. The other pleas advanced by the respondents, whether in their reply or in their objection to the rejoinder, are devoid of any merit and are therefore rejected.
19. The Authority is of the considered view that the actions of the respondent amount to clear violation of the mandatory requirement of prior registration of the project under Section 3 of the Real Estate (Regulation and Development) Act, 2016. Such conduct not only

undermines the intent of the statute but also attracts penal consequences as provided under Section 59.

20. In view of the above findings, it is established that the respondent company has contravened the provisions of Sections 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly, for contravening the said provisions and in consideration of safeguarding the interests of genuine homebuyers and to safeguard the objective and spirit envisaged under the RERA Act, the Authority imposes penalty against the promoter under Section 59(1) of the Act which states that on contravention of Section 3 of the Act, the promoter shall be liable to a penalty which may extend upto 10% of the estimated cost of the real estate project as determined by the Authority.
21. With respect to the quantum of punishment, it shall be calculated on the basis of minimum value rate (mvr) rate prevailing at the concerned place in absence of the exact knowledge of the estimated cost of the project. As per the prevailing mvr rate according to the bihar government website in the area situated near the project, the residential main road value per katha is Rs.49,680. As per the report placed by the circle officer, the total land in question is 12.5 D and an additional 20.45 D of land, for which details has been provided by the respondent themselves in the same Mauza as earlier which is equivalent to 32.95 D (10.54 katha). Thus, the land cost is approximately Rs. 5,23,825. Since, the cost of the land and cost of development of the project in contemporary scenario even in cases of plotted development is usually in ration of 3:2, thus it could be said that the development cost will

approximately be around Rs. 3.49,216. Accordingly, the total estimated cost of the project will approximately expand to Rs. 8,73,041. Thus, the Authority hereby imposes a penalty of Rs. ₹87,304, in accordance with Section 59(1) of the Act, which is 10% of the estimated cost of the project

22. The penalty amount, as mentioned above, shall be paid by the respondent company within sixty (60) days from the date of issuance of this order. Failure to comply with this direction will attract further action under Section 59(2) of the Real Estate (Regulation and Development) Act, 2016.
23. The Authority further directs the office to issue a letter to the I.G. Registration, Bihar to issue letter to all the concerned DSRS's / Sub-Registrars of Patna to impose a blanket ban on execution of sale deed for the project namely Green Park, of the respondent - M/s Green City Private Limited
24. The Concerned Circle Officer is directed to not to proceed with the mutation of any plot falling within the area of the said project land till further order by the Authority.
25. The office is directed to act accordingly and issue necessary directions to all concerned mentioning the full details of the Project including land details.

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

Sd/-
(Amarendra Shahi)
Senior Land Revenue Officer
RERA, Bihar