



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

RERA/SM/741/2025

Authorised Representative of RERA Complainant
Vs
M/s Bold India Infra Pvt Ltd. Respondent

Project: Fresh Land

Present: For Complainant: Ojaswi Ishani

For Respondents: None

28/07/2025

ORDER

1. Hearing taken up. Learned legal representative Ojaswi Ishani appears on behalf of the RERA. No one appeared on behalf of the respondents.
2. A Suo Motu proceeding has been initiated against the promoter in respect of the project "Fresh Land" 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. Perused the record. It appears that despite notices served on various dates, the respondent has not appeared or filed any reply. Hence, in the proceeding dated 28.07.2025, the bench observed that the respondent is not appearing before the court despite many repeated directions given for the same, so the case may be heard ex parte on merit, and order may be passed
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 "Fresh Land" 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 initiation of proceedings under Section 59 for penal consequences, and if required, further investigation under Section 35.
7. The technical report along picture of geo-tag pertaining to the project land in contravention was placed on record. From the report, it

transpires that the site is situated at Mansa Chak, Dariyapur, Saran, Bihar, measuring 6937.41Sqm and the promoter is advertising and developing the said project by posting the same on a banner using two two-brick structure on their land displaying the name of project and the promoter's contact details. It was also brought to notice that upon verification of land records by the office administrative, it appeared that the land in question belongs to the government/water bodies and is being illegally sold by the promoter, it was also observed that the jamabandi is currently in the name of the promoter, which may be subject to cancellation as the private use and sale of government land is not permitted under applicable regulations.

8. It was further evident from the records that the *Jamabandi* (land ownership document) obtained by the inspection team substantiated that Bold India Infra Private Limited has advertised a plot of land measuring more than 500 square meters. The respondent is recorded as the owner of 142.272 decimals of land, equivalent to approximately 5757.01 square meters, located in Anchal-Dariyapur, Sub Division-Sonpur, bearing Khata Nos. 72, 90, and 135, and Khesra Nos. 383, 387, and 31 which falls under the planning area.
9. From the thorough perusal, it was also found that the respondent company sold such parcels of land in 2020 and 2024 to Shailesh Kumar Ojha, Santosh Kumar, and Toni Kumari, respectively, which were mutated in the name of the purchaser and whose face value displays the violation of section 3
10. The chart has been attached below:

KHATA NO	KHESRA	RAKWA	SOLD TO
72	383	10.228	Sailesh Kumar Ojha(2020) Santosh Kumar (2020) Toni Kumari (2025)
90	387	17.48	
135	31	31.8	
135	31	44.64	
	31	38.13	

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 establish that the respondent actively developed and promoted its project, *Fresh Land* not only by offering units for sale but also by advertising. 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. The respondents have failed to appear and produce any credible or substantive evidence to rebut the materials available against them, or to justify the evidence placed on record in the form of an advertisement and Mutation of the unregistered project Fresh Land.
16. The respondent has actively promoted and facilitated the sale of plots in 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 boards, and a detailed categorization of plots in support of the brochure 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.
18. 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.

19. 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.
20. 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.38,016. As per the report placed by the circle officer, the total land in question is 142.272 D which is equivalent to 45.52 katha. Thus, the land cost is approximately Rs. 17,30,828.94. 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. 11,53,885.96. Accordingly, the total estimate cost of the project will approximately expand to Rs. 28,88,741. Thus, the Authority hereby

imposes a penalty of Rs. ₹ 2,88,471, in accordance with Section 59(1) of the Act, which is 10% of the estimated cost of the project

21. 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.
22. 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 Fresh Land, of the respondent - M/s Bold India Infra Pvt Ltd.
23. 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.
24. 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