



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

RERA/SM/743/2025

Authorised Representative of RERA Complainant
Vs
M/s Lavanya India Developers Pvt Ltd Respondent

Project: Lavanya Town Phase 2

Present: For Complainant: Ojaswi Ishani
For Respondents: Mr. Sharad Shekar, Adv

28.07.2025

ORDER

1. Hearing taken up. Learned legal representative Ojaswi Ishani appears on behalf of the RERA. Learned counsel Mr. Sharad Shekhar appears on behalf of the respondents.
2. A Suo Motu proceeding has been initiated against the promoter in respect of the project "Lavanya Town" 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 project Lavanya Town is situated at Mauza- Gram Panchayat Raj Bela Anchal Dariapur, Sonapur, Saran Chappra. That M/s Lavanya Infra Developers Pvt Ltd had applied for RERA Registration for the project Lavanya Town phase 2, with a penalty fee of 2 Lakhs dated 11.10.2021, however, registration was not granted since the map of the project was not sanctioned by the competent authority since the area was under Panchayat. Further, he submits that the project was completed on 24.02.2023 and has submitted a completion certificate issued by the Emplaned Architect and signed by Mukhiya as the area earlier fell under the Gram Panchayat.
Further, the respondent submitted a supplementary reply to the rejoinder by the complainant stating that since the project was completed in 2023, the promoter has executed a conveyance/sale deed to the respective allottee and in respect to that submitted a sale deed dated 14.02.2020.
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 "Lavanya Town Phase 2" with the Authority before undertaking any development, marketing, or sale activities.
5. 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 now falls under the planning area, and is situated at Bela Dariapur, Sonapur Saran. It was found by the team that only the phase one of the project was registered. The plots were demarcated by bricks, and a small room was constructed near the main gate. Despite not having registration, they continued the advertisement on various online platforms as well as pamphlets distributed at the site, none of which included a valid RERA registration number or QR code as mandated by the RERA Act 2016, RERA Regulation 2017, and guidelines.

6. The complainant submits that as per the latest notification issued by the Urban Development and Housing Department dated 31.01.2023, wherein the rural areas of Sonapur were brought under the planning area the Mauza Bela, Anchal Dariapur was included within the said planning area. Despite the area was under planning area the respondent failed to apply again for registration of the said project and is still advertising the project through a banner, and the work was still in progress there. Moreover, the project continues to be advertised through online platforms, including various Google-listed websites, as well as through pamphlets distributed at the site.
7. It is further highlighted by the complainant that the Jamabandi procured by the inspection team and sale deed dated 14.02.2020 submitted by the respondent himself clearly indicates that the respondent has been selling the plots even before completion of the said project, which is a clear violation of section 3 of the RERA Act 2016.
8. 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.

9. 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.
10. Heard the parties.
11. The Authority has perused the materials placed on record and taken note of the submissions made by the parties.
12. 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.”

13. The materials submitted on record in the form of an advertisement, clearly establish that the respondent actively developed and promoted its project, *Lavanya Town Phase 2* 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.

14. 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.
15. 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.
16. 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.
17. 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.

18. With respect to the quantum of punishment, the cost of land of the project is 1.50 Lakh and the cost of development is 20.00 Lakh; thus, accordingly, the total estimated cost of the project will approximately expand to Rs. 21.50 Lakh. Thus, the Authority hereby imposes a penalty of Rs. ₹ 2,15,000 in accordance with Section 59(1) of the Act, which is 10% of the estimated cost of the project
19. 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.
20. 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 the execution of sale deed for the project, namely Lavanya Town Phase 2, of the respondent - M/s Lavanya India Developers Pvt Ltd.
21. 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.
22. 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