



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

RERA/SM/751/2025

Authorised Representative of RERA	Complainant
	Vs	
M/s TCW Reality Pvt Ltd	Respondent

Project: The Sai Green

Present: For Complainant: Ms. Ojaswi Ishani

For Respondents: Mr Vijay Vardhan Pandey. Adv

28.07.2025

ORDER

1. Hearing taken up. Learned legal representative appears on Ojaswi Ishani on behalf of the RERA. Learned counsel Mr. Vijay Vardhan Pandey appears on behalf of the respondents.
2. A Suo Motu proceeding has been initiated against the promoter in respect of the project "The Sai Green" 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 their project “The Sai Green”, phases 1 and 2 (Ongoing project) has already registered vide Reg No BRERAPOO724-2/R-837/2019. Further, they contended that the registration was granted on 19.11.2019 and would have lapsed on 25.12.2023, but a 9-month extension was provided due to COVID-19, making the lapse date 25.09.2024. After that, they failed to apply for an extension due to a certain technical, unavoidable, and compelling circumstance pertaining to the revalidation of the Sanction map. In respect to that, they have submitted supporting documents for the same. In furtherance, the respondent stated they will apply for registration as soon as the documents are approved by the competent authority.
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 "The Sai Green" 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. According to the report, the project is located in Mauza Hasanpur, Anchal Sonpur, Saran, Bihar, within the designated planning area, covering a total land area of 409,019.99 square meters. Upon visiting the site, it was observed that a project signboard had been placed at the entrance, displaying the RERA registration number. The promoter was in the process of developing the plot, which lacked clear demarcation and appeared fragmented, spanning over more than eight separate parcels. Additionally, there was a prominent signboard labeled **“The Sai Green City”** visible on-site. Moreover, the promoter had carried out extensive promotional activity, with numerous advertisements appearing across different websites.
8. The Legal Representative for RERA states that the promoter continued to advertise the project both online and at the site even after the registration had expired, an act expressly prohibited under the Real Estate (Regulation and Development) Act, 2016. Moreover, the promoter failed to submit the application for registration extension within the required timeframe, demonstrating a clear lack of due diligence and Seriousness.

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

12. The materials submitted on record in the form of an advertisement, clearly establishes that the respondent actively developed and promoted its project, The Sai Green, by advertising on 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.
13. 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, *The Sai Green*.

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 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.
17. The Authority is of the considered view that the actions of the respondent amount to a 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.
18. 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.

19. With respect to the quantum of punishment, the cost of land of the project is 1050.38 Lakh and the cost of development is 1200.36 Lakh; thus, accordingly, the total estimated cost of the project will approximately expand to Rs. 2,250.74 Lakh. Thus, the Authority hereby imposes a penalty of Rs. ₹ 22,50,740, in accordance with Section 59(1) of the Act, which is 1% of the estimated cost of the project
20. 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.
21. 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 The Sai Green, of the respondent - M/s TCW Reality Pvt Ltd.
22. 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.

23. 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