



REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh,
RERA, Bihar.

RERA/PRO/REG/264/2022

1. Puja Kumari &
2. Authorised Representative of RERA ...Complainant

Versus
M/s. Technoculture Building Centre Pvt. Ltd. ... Respondents

Project: Vastu Vihar Gaya Phase 3, Extension 2

Present: For Complainant: Shri Ram Kinkar Prasad, Husband of the
Complainant

For RERA (Authorised Representative) : Ms. Ojaswi Ishani, Advocate

For Respondent: Shri Dheeraj Kumar Roy, Advocate

For Intervenor: Shri Abhinay Priyadarshi, Advocate

ORDER

11.08.2026

1. Hearing was taken up on 18.06.2026, when Shri Ram Kinkar Prasad, husband of the Complainant No. 1, was present on behalf of the Complainant No. 1; Ms. Ojaswi Ishani, Advocate, was present for RERA; Shri Dheeraj Kumar Roy, Advocate, was present for the Respondent; and Shri Abhinay Priyadarshi, Advocate, was present for the Intervenor. The order was reserved and is being pronounced today.
2. The complainant, Ms. Pooja Kumari, has filed a petition alleging that the promoter, M/s. Technoculture Building Centre Pvt. Ltd. and its representatives, induced her to purchase a residential flat in the Nano Block of Vastu Bihar Phase-03 Extension-2, situated at Mauza Kaiya, Manpur, Gaya, through misleading advertisements and false representations. Relying upon such representations, she booked and

purchased the said flat and paid a total consideration of Rs.9.54 lakhs, including the cost of construction and registration-related expenses.

3. The Complainant No. 1 has alleged that, subsequently, when she applied for mutation of the property, the competent authority rejected her application on the ground that Plot/Khesra No. 2267 is recorded as ceiling land and is, therefore, not eligible for private ownership, transfer, sale, or mutation. The rejection order records that the Revenue karmchari and the Circle Inspector (Incharge) reported that Khesra No. 2267 forms part of ceiling land and that, despite being called upon to produce relevant documentary evidence, no such evidence was submitted. Consequently, the mutation application was rejected. Accordingly, she has prayed for an independent inquiry into the matter, appropriate action against the persons responsible, and refund of the amount paid by her.
4. The Authorised Representative of the Authority submitted that, from the records available before the Authority, it is observed that the project was registered and accordingly Form 'C' was issued for the period from 06.03.2019 to 15.10.2020 and thereafter under Form 'F' up to 15.10.2021, inclusive of the force majeure extension of nine months. The project was registered in respect of Khesra/Plot Nos. 2277 and 2267, Khata No. 309, Thana No. 292, Mauza Kaiya, Sub-Division/District Gaya.
5. Accordingly, the Authority sought an explanation from the respondent regarding the alleged contravention of Section 4(2)(I)(A) and Section 11(4)(a) of the Real Estate (Regulation and Development) Act, 2016, in respect of the project "Vastu Vihar Gaya Phase-03, Extension-2", vide Letter No. 264/2022/1321 dated 12.08.2025. However, the respondent failed to submit any reply within the stipulated period. Consequently, a reminder was issued vide Letter No. 264/2022/1370 dated 16.09.2025.

Despite the issuance of the reminder, the respondent neither submitted any explanation nor complied with the directions of the Authority.

6. Thereafter, the Authority issued a Show Cause Notice under Section 63 of the Real Estate (Regulation and Development) Act, 2016, regarding the non-compliance of the directions of the Authority in respect of the project "Vastu Vihar Gaya Phase-03, Extension-2", vide Letter No. 264/2022/1416 dated 11.11.2025. The said notice specifically recorded that the Authority had provided ample time and sufficient opportunity to the respondent to comply with its directions and to furnish the requisite explanation/documents. Despite such opportunities and repeated reminders, the respondent failed to comply with the directions of the Authority, thereby violating its statutory obligations under the Act.
7. As the respondent continued to remain non-compliant even thereafter, the Authority issued a notice under Section 63 of the Real Estate (Regulation and Development) Act, 2016, for hearing regarding the non-compliance of its directions in respect of the project "Vastu Vihar Gaya Phase-03, Extension-2", vide Letter No. 264/2022/53 dated 16.02.2026.
8. Perused the records of the case. Learned counsel appearing on behalf of the respondent/promoter filed a written submission dated 02.06.2026 contending that the complaint and the proceedings initiated by the Authority are misconceived, frivolous and not maintainable. It was submitted that the promoter has neither made any false declaration nor furnished any false information at the time of obtaining registration of the project under the Real Estate (Regulation and Development) Act, 2016. The respondent denied the allegation that the project was registered by suppressing the alleged ceiling surplus nature of Plot No. 2267 and submitted that the promoter had no knowledge, notice or information regarding any such status of the land at the time of its purchase or at the time of project registration.

9. The respondent further submitted that the land has a long and uninterrupted chain of title commencing from a registered sale deed executed in 1961 in favour of Smt. Sharda Devi, followed by successive registered transfers, mutation entries and possession, ultimately culminating in the purchase of the land by the respondent-promoter through a registered sale deed dated 01.02.2013. It was contended that all previous owners had their names duly mutated in the revenue records and the rent was accepted by the State authorities. Also the Registration Department permitted the execution and registration of such sale deeds. The respondent also submitted that several allottees have obtained registered conveyances, mutation and possession certificates, thereby demonstrating that the land was consistently treated by the Government as transferable.
10. It was further argued that although Land Ceiling Case No. 114/1973-74 was initiated subsequently, the original transfer in favour of Smt. Sharda Devi had taken place prior to the initiation of the ceiling proceedings and was never declared void or invalid by the competent authority. According to the respondent, the validity of such pre-ceiling transfers is protected under law, and the issue involves disputed questions of title which can only be adjudicated by a competent court and not in proceedings before the RERA Authority.
11. The respondent further contended that the promoter acted as a bona fide purchaser after due diligence and verification of title documents, mutation records and official revenue records and, therefore, no element of fraud, intentional suppression or misrepresentation, as contemplated under Sections 4, 7 and 11 of the Act, is made out. It was also submitted that the dispute relating to the alleged ceiling status of the land is presently pending before the Hon'ble Patna High Court in CWJC No. 4457 of 2026 and, therefore, any coercive action, including revocation of the project registration under Section 7 of the Act, would prejudice

the pending proceedings as well as the interests of innocent allottees. On these grounds, the respondent prayed that the proceedings alleging contravention of Sections 4(2)(1)(A) and 11(4)(a) of the Act be dropped and the proposed action for revocation of the project registration be withdrawn.

12. On 17.04.2026 the Complainant No. 1 has submitted her written submission in which she reiterated the facts stated in her complaint and further prayed for revocation of the project under Section 7 of the RERA Act, 2016 on account of it lying within the ceiling surplus area.
13. Again, vide her written submission dated 19.05.2026, the complainant stated that the respondent builder was permitted to construct only 120 flats (1 BHK Nano); however, in violation thereof, he has constructed 150 flats (1 BHK Nano). The builder has not obtained the consent of two-thirds of the allottees, as required under the provisions of Section 14 of the RERA Act, 2016. She further mentioned in her written submission that the validity period of Phase-03 Extension-01 was up to 31.08.2022 and that of Extension-02 was up to 15.10.2021, both of which have already expired. However, the respondent is still engaged in construction work in the said project. She also alleged that the Divisional Commissioner, Magadh Division, Gaya, vide Letter No. 4319 dated 31.07.2025, had requested the Additional Chief Secretary, Department of Revenue and Land Resources, to have the matter investigated as to whether the land forms part of ceiling surplus land.
14. Learned counsel appearing on behalf of the intervenors/allottees has filed an intervention application dated 18.06.2026 submitting that the intervenors are bona fide purchasers/allottees of residential units/plots in Project "Vastu Vihar Gaya Phase-03, Extension-2", registered under Project Registration No. BRERAP00015-19/340/R-494/2019. It was submitted that the intervenors had purchased their respective units through lawful transactions after investing their hard-earned savings and

have acquired valuable legal, equitable and possessory rights in the project. It was further submitted that several intervenors have already obtained registered sale deeds, possession and mutation in their favour and are residing in or otherwise enjoying their respective properties.

15. The intervenors contended that the present proceedings, initiated for the alleged contravention of Sections 4(2)(l)(A) and 11(4)(a) of the Real Estate (Regulation and Development) Act, 2016 and the proposed action under Section 7(1)(c)(a) of the Act, directly affect their vested rights. According to them, any order revoking the project registration would seriously prejudice their investments, title, possession and peaceful enjoyment of their properties.
16. It was further submitted that the intervenors are necessary and proper parties to the present proceedings, as the outcome would not only affect the promoter but also numerous innocent allottees who had invested in the project relying upon the registration granted by the Authority, registered title documents, mutation records, revenue records and other approvals granted by the competent authorities. The intervenors asserted that they had no role in any alleged historical dispute relating to the land and should not be made to suffer on account of such disputes.
17. The intervenors also pointed out that the issue relating to the land is pending adjudication before the Hon'ble Patna High Court in CWJC No. 4457 of 2026. They further submitted copies of the Jamabandi and the current revenue receipts pertaining to Khesra/Plot No. 2277 in support of their contention mentioning therein that the allottees of the project are in possession of their respective plots of land. They, therefore, prayed that the intervention application be allowed and they be impleaded as necessary and proper parties, and that they should also be granted an opportunity of hearing before any order affecting the project or the rights of the allottees is passed.

18. At the outset, the intervention application filed on behalf of the intervenors/allottees was taken up for consideration. Since neither the complainant nor the respondent raised any objection to the impleadment of the intervenors, and considering that the outcome of the present proceedings is likely to have a direct bearing on the rights and interests of the allottees, the Authority allowed the intervention application. Accordingly, the intervenors were permitted to participate in the proceedings and to assist the Authority in the adjudication of the matter.
19. The complainant no. 1 submitted a rejoinder dated 18.06.2026 stating therein that present proceedings under Section 7 of the RERA Act are at the final stage for cancellation of the registration of Extension-1 and Extension-2 of Vastu Vihar, Gaya Phase-3. It was contended that this Hon'ble Court had already observed during the hearing on 10.03.2026 that the project's registration was liable to be cancelled under Section 7.
20. The Complainant No. 1 further submitted that, despite the matter being ripe for final disposal, the opposite party has been repeatedly seeking adjournments with the sole intention of delaying the proceedings. It was alleged that the opposite party's counsel repeatedly claimed to have obtained, or to be on the verge of obtaining, relief from the Hon'ble High Court, but failed to place any order, decree, or stay order on record. According to the complainant, such assertions were made only to mislead the Court and unnecessarily prolong the proceedings, causing the complainant mental and financial hardship.
21. The Complainant No. 1 also brought to the notice of the Court that proceedings for cancellation of the Jamabandi relating to Vastu Vihar Phase-3 are pending before the Court of the Additional Collector-cum-Additional District Magistrate, Gaya, and that public notices/gazette notifications regarding the Jamabandi cancellation proceedings and cancellation of the mortgage had been duly published in leading newspapers. She further alleged that the Additional Collector, Gaya,

vide a publication in the newspaper dated 11.06.2026, had invited objections in Jamabandi Cancellation Case No. 151/2025-2026, Circle Officer, Manpur, Gaya v. Technoculture Pvt. Ltd., wherein cancellation of the Jamabandi pertaining to Plot Nos. 2267, 2277, 2245 and 2281 had been recommended.

22. It was further submitted that several plots forming part of the project are ceiling land and that mutation applications in respect of such plots had repeatedly been rejected by the revenue authorities on that ground. The complainant stated that numerous mutations had been rejected over the years and that Jamabandi cancellation proceedings concerning several other raiyats are presently pending before the revenue authorities, thereby raising serious issues regarding the legality of the land forming part of the project.

23. On these grounds, the Complainant No. 1 prayed that the contentions of the opposite party be rejected and, in the absence of any stay order from the Hon'ble High Court, this Hon'ble Court may pass a final order cancelling the registration of Extension-1 and Extension-2 of Vastu Vihar, Gaya Phase-3 under Section 7 of the RERA Act.

24. The Bench after giving a cautious study and after having carefully considered the pleadings, the written submissions filed by the parties, the records available before it and the submissions advanced during the course of hearing has observed that the primary issue related to this matter is to determine whether the respondent/promoter has obtained the registration of the project by furnishing false information or suppressing material facts so as to attract the provisions of Sections 4(2)(I)(A), 11(4)(a) and 7 of the Real Estate (Regulation and Development) Act, 2016.

25. From the records, it is evident that the complainant's mutation application was rejected on the ground that Khesra/Plot No. 2267 forms part of ceiling surplus land and that Khesra/Plot No. 2277 also forms a

part of ceiling surplus land, as reflected in the mutation rejection orders passed in Case Nos. 5886/2023-24, 1614/2019-20, and 2743/2023-24 by the Circle Officer, pertaining to Mauza Kaiya, Gaya, as submitted by Complainant No. 1 in her rejoinder dated 18.06.2026. The respondent has disputed the said allegation and contended that the said property was acquired through a valid chain of registered title deeds and that the issue regarding the nature and title of the land is presently pending adjudication before the Hon'ble Patna High Court in CWJC No. 4457 of 2026.

26. From a perusal of the records, it is evident that the present case relates to the project “Vastu Vihar Gaya Phase-03 Extension-02.” It is, however, also evident from the records that another project, namely, “Vastu Vihar Gaya Phase-03 Extension-01,” has also been registered with RERA, Bihar.

27. Upon further perusal of the records, it is evident that the project “Vastu Vihar Gaya Phase-03 Extension-02” comprises Plot Nos. 2267 and 2277, and that the validity of the said project expired/lapsed on 15.10.2021. It is further evident that the project “Vastu Vihar Gaya Phase-03 Extension-01,” which is not directly related to the present case, comprises Plot Nos. 2245, 2264, 2274 and 2277, and that the validity of the said project expired/lapsed on 31.08.2022.

28. On perusal of the records, it is also evident that the Circle Officer, Manpur, Gaya, vide Letter No. 1028 dated 17.04.2026, informed the District Sub-Registrar, Gaya, that the land situated in Khata No. 309 and bearing Plot Nos. 2267, 2277, 2245 and 2281, in respect of which Jamabandi stands recorded in the name of M/s Technoculture Centre Pvt. Ltd., forms part of the ceiling surplus land declared under the Bihar Land Ceiling Act.

29. The Bench, therefore, observes that both Plot Nos. 2267 and 2277, which constitute the project land of the entire project, “Vastu Vihar Gaya

Phase-03 Extension-02,” appear to form part of the ceiling surplus land, as is evident from the facts and materials placed before this Bench. In such circumstances, the Bench is constrained to proceed on the basis that the aforesaid project land forms part of the ceiling surplus land, unless the contrary is established by an order passed by a competent court or authority.

30. The Bench further observes that the project records of the Authority also indicate that the registration of the project has already lapsed. In such circumstances, the question of revocation of the project registration under Section 7 of the Real Estate (Regulation and Development) Act, 2016 does not arise, as there is no subsisting registration capable of being revoked. Accordingly, the prayer of the complainant seeking revocation of the project registration is rejected.

31. However, the conduct of the respondent in the present proceedings deserves serious consideration. The records reveal that the Authority initially sought an explanation from the respondent vide Letter No. 264/2022/1321 dated 12.08.2025 regarding the alleged contravention of Sections 4(2)(1)(A) and 11(4)(a) of the Act. The respondent failed to submit any reply within the stipulated period. Thereafter, a reminder dated 16.09.2025 was issued, followed by a Show Cause Notice under Section 63 of the Act dated 11.11.2025. Despite repeated opportunities, the respondent failed to furnish any explanation and chose to submit its reply only at the time of hearing after initiation of penal proceedings.

32. The aforesaid conduct clearly demonstrates a totally negligent and recalcitrant approach on the part of the respondent towards the directions issued by the Authority. The respondent failed to comply with the lawful directions of the Authority despite being afforded sufficient opportunities. Such conduct amounts to non-compliance of the directions of the Authority and attracts the provisions of Section 63 of the Real Estate (Regulation and Development) Act, 2016.

33. In exercise of the powers conferred under Section 63 of the Real Estate (Regulation and Development) Act, 2016, and considering the persistent non-compliance by the respondent, the Authority deems it appropriate to impose a penalty equivalent to 1% of the estimated cost of the project. The estimated cost of the project, as disclosed by the promoter at the time of registration, is Rs. 3,29,95,666/-. Accordingly, a penalty of Rs. 3,30,000/- (Rupees Three Lakh Thirty Thousand only) is hereby imposed upon the respondent/promoter. The said amount shall be deposited with the Authority within 60 (sixty) days from the date of this order, failing which appropriate proceedings shall be initiated for recovery in accordance with law. The Compliance Wing of the Authority is directed to ensure strict compliance with this direction and accordingly take appropriate steps for recovery of the abovesaid penalty, in accordance with law, in the event of default by the respondent under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016, read with Rule 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017, and Sections 4 and 5 of the Bihar and Orissa Public Demand Recovery Act, 1914.
34. Further, in order to safeguard the interests of the existing and prospective allottees, and considering the rejection of mutation in respect of Khesra/Plot No. 2267 and 2277 on the ground that it forms part of ceiling surplus land, the respondent/promoter is directed to immediately stop accepting bookings, allotments, transfers, or creating any third-party rights in respect of any unit or plot situated on Khesra/Plot No. 2267, Khata No. 309, Thana No. 292, Mauza Kaiya, Sub-Division/District Gaya, until the ceiling surplus charge over the said land is removed or appropriate orders are passed by the competent court or authority declaring the land free from such encumbrance. The respondent shall in no way carry any construction/development activity in the said project failing which it shall attract penal action against it.

35. The Inspector General of Registration, Bihar, is requested to issue necessary instructions to the concerned registering authority not to register any deed of sale, conveyance or transfer relating to Khesra/Plot No. 2267 and 2277, Khata No. 309, Thana No. 292, Mauza Kaiya, Sub-Division/District Gaya forming part of Project "Vastu Vihar Gaya Phase-03, Extension-2" until the dispute relating to the ceiling surplus status of the said land is finally resolved by the competent authority or court.
36. It has also been observed by the Bench that both the projects, namely, "Vastu Vihar Gaya Phase-03 Extension-01" and "Vastu Vihar Gaya Phase-03 Extension-02," when taken together comprise Plot Nos. 2245, 2264, 2267, 2274 and 2277, situated in Khata Nos. 309, 266 and 264, as is evident from a perusal of the RERA registration certificates issued in favour of the respondent. It, therefore, appears pertinent at this stage to direct the Compliance Wing of RERA, Bihar, to verify from the Circle Office, Manpur, Gaya, whether the construction of the aforesaid projects is confined to the aforementioned plot numbers in respect of which registration has been granted, or whether any part of the said projects extends beyond the aforesaid plots.
37. Upon receipt and perusal of the reply/report from the Circle Officer, Manpur, Gaya, regarding the aforesaid matter, if the respondent is found to have undertaken any construction beyond the boundaries of the plots in respect of which registration has been granted, appropriate action shall be initiated against the respondent in accordance with law.
38. Further, the Compliance Wing is directed to attach this order to the registration file of "Vastu Vihar Gaya Phase-03 Extension-01" and "Vastu Vihar Gaya Phase-03 Extension-02," registered in respect of Plot Nos. 2245, 2264, 2274, 2277 and 2267 and 2277 respectively situated in Khata Nos. 309, 266, and 264, in view of the public notice published in the *Dainik Jagran* newspaper dated 11.06.2026 by the Court of the

Additional Collector-cum-Additional District Magistrate, Gaya, in Jamabandi Cancellation Case No. 151/2025-26, titled Circle Officer, Manpur (Gaya) vs. M/s Technocultuer Centre Pvt. Ltd., Manager Vijay Tiwari. The said public notice states that, in Jamabandi Cancellation Case No. 04/2025-26 before the Circle Officer, Manpur (Gaya), pertaining to Account No. 309 of Mauza Kaiya, Thana No. 292, involving Old Khasra Nos. 1277, 1331, 1336, and 1343 and New Khasra Nos. 2267, 2277, 2245, and 2281, a proposal for cancellation of the Jamabandi in respect of the said land has been received by the Circle Officer, Manpur (Gaya), and a recommendation has been made for cancellation of the said Jamabandi. Accordingly, the above information shall be kept on record and taken into consideration during the scrutiny of any application submitted by the respondent/promoter for extension of the registration of the aforesaid projects, so that the said information is brought to the notice of the concerned Scrutiny Officer for due consideration while doing the scrutiny of any such application.

39. The Complainant No. 1 has also alleged that the respondent has undertaken construction beyond the sanctioned/limit of the number of flats to be constructed and has requested that appropriate action be taken against the respondent. In this regard, the complainant is at liberty to lodge a complaint before the competent authority for verification of the alleged construction beyond the permissible limit/numbers and for taking appropriate action in accordance with law.
40. The complainant is also at liberty to file a complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016, before the competent authority, along with all relevant documents and evidence, in respect of any grievance relating to the alleged construction beyond the approved/project boundaries/numbers.
41. The Complainant No. 1, the respondent and the intervenors shall remain bound by the outcome of the proceedings pending before the Hon'ble

Patna High Court in CWJC No. 4457 of 2026 and CWJC No 6017 of 2026 or any other competent forum in relation to the title and status of Khesra/Plot No. 2267 & 2277 Khata No. 309, Thana No. 292, Mauza Kaiya, Sub-Division/District Gaya.

With the aforesaid observations and directions, the complaint and the proceedings stand disposed of.

Sd/-

Sanjaya Kumar Singh
Inquiry Commissioner
RERA Bihar