

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Secretary, Shri Animesh Pandey,
RERA/SM/15/2026

Authorised Representative of RERA ... Complainant

Vs

M/s Maharaja Real Estate Pvt Ltd. Respondent

Project: Vasant Vihar

Present:

For Complainant: Mr. Rishikesh Rajan, Advocate

For Respondent: Mr. Bishwash Vijeta, Advocate

ORDER

19/08/2026

1. The present proceeding has been initiated against the respondent-promoter under Section 35 and Section 59 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"), for the non-registration of the Project "Vishnu Vihar". Accordingly, a notice dated 21-05-2026 was issued to the respondent by registering a suo motu case, seeking an explanation.
2. The aforesaid notice and proceedings were initiated on the basis of an advertisement printed on the wall of the hutment within the walls of the land of the project, which prima facie reveals that, in contravention of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"), the Respondent promoted the said project has with an invitation to invite prospective buyers without obtaining registration of the said advertised project, as mandated under the Act.
3. The learned Legal Representative of the Authority submitted that the printing on the wall of the project constitutes an "advertisement" within the meaning of Section 2(b) of the Act and establishes that the Respondent had advertised, marketed, and invited bookings for the said project without obtaining prior registration, as mandated under Section 3 of the Act.

4. The learned Counsel for the Respondent filed a reply dated 10.08.2026, stating therein that the Respondent has neither transferred nor allotted any unit, nor executed any conveyance deed or mutation in favour of any third party. It was further submitted that there is no sale transaction on record to substantiate the allegation that any unit of the project was sold to any third party.
5. The Respondent further stated that the land admeasuring 21.83 decimals, constituting the total land of the project, stands in the name of the company. It was submitted that the provisions of the RERA Act, Rules, and Regulations do not prohibit a promoter from purchasing land; rather, the Act prohibits the promoter from selling or offering for sale any unit in a real estate project without obtaining the requisite registration under the RERA Act. It was contended that the present Respondent-promoter has not sold the said land or any unit therein to any third party.
6. The learned Counsel also placed on record the details of the Directors of the company and further produced a copy of the complaint made before the learned Sub-Divisional Officer, Darbhanga, and the SHO, Maghi Police Station, Darbhanga, regarding the copy of false and misleading advertisement placed in record with the technical record and the misuse of the name of the Respondent and/or its project.
7. The learned Legal Representative for the Authority contended that the Respondent-Promoter's defence that no sale, allotment, transfer, or mutation was effected in favour of any third party does not absolve the respondent company from the statutory obligation of obtaining registration prior to advertising or marketing the project. The printing of the project details with mobile number on the wall of the aforesaid hutment, is intended to attract prospective buyers, and constitutes an advertisement within the meaning of Section 2(b) of the Act, and the same, having been made without obtaining prior registration under Section 3 of the Act, amounting to a contravention of the provisions of the Act.
8. Perused the record of the case and took into account the submissions of the parties.
 - (a) Section 2(b) of the Real Estate (Regulation and Development) Act, 2016 provides the definition of "advertisement" which reads as follows:

“advertisement” means any document described or issued as an 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.

(b) Further, Section 3(1) of the RERA Act mandates that no promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building as the case may be in any real estate project or part thereof, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act.

9. A bare perusal of the relevant statutory provisions, read with the material placed on record, clearly establishes that the promoter has violated the mandatory requirements of the Real Estate (Regulation and Development) Act, 2016.
10. A technical report has also been submitted by the technical team for the project and the estimated cost of the project is Rs. 47,15,280/-.
11. The Bench observes that the material available on record clearly establishes that the Respondent-Promoter advertised the project on the wall thereof. The photographs annexed to the notice clearly substantiate the same.
12. It is further noted that this conduct demonstrates that the promoter has developed an unregistered project, advertised the plots to the public, which unequivocally demonstrates omission on the part of the respondent to register its project, as mandatorily required under Section 3 of the Act. Such conduct amounts to a clear violation of the statutory obligation cast upon every promoter to apply for and obtain registration of the real estate project prior to undertaking any activity in relation thereto.
13. In view of the foregoing observations, the averment of the respondent that it has not advertised the said project is held to be false. It is further evident that, till date, the respondent has failed to take any effective steps for removal or takedown of the said advertisements from the public domain.
14. The evidence placed on the record clearly demonstrate the violation of the Act committed by the Respondent on the basis

of the fact that the promoter has failed to obtain a valid registration from the RERA for developing and promoting the project Vasant Vihar.

15. Accordingly, the conduct of the respondent-promoter constitutes a clear statutory violation and squarely attracts the penal provisions as prescribed under the Act.
16. The conduct of the Respondent not only constitutes a violation of the aforesaid provisions of the Act but also strikes at the heart of Section 3 of the Act was enacted. The sale of unit is not necessary for violation of section 3 of the act as mere advertisement can also constitute the same.
17. Having regard to the preamble and the legislative intent underlying the Act, as well as the settled dicta of the Hon'ble Supreme Court emphasizing the paramountcy of protection of homebuyers' interests, this Bench is constrained to invoke coercive and deterrent measures against the respondent. The object of such action is to ensure strict compliance with statutory mandates and to prevent gullible and genuine purchasers from being misled or defrauded on account of unregistered and unauthorized dealings by the promoter.
18. Accordingly, the cumulative facts and circumstances on record conclusively establishes the violation of Section 3 of the Act in respect of the project in question committed by the respondent. The contravention thus stands duly established. Hence, keeping in view the objectives of the Act to regulate and promote the real estate sector in a transparent, fair, and accountable manner, the Bench deems it appropriate to impose a penalty of ₹1,00,000/-, which is well within the ceiling fixed by the Act for such computation, the scale of the property mentioned in the advertisement given and prevailing markets rates. Accordingly, the above said penalty is hereby imposed upon the Respondent-Promoter for the established violation of the Act.
19. The respondent-promoter is hereby directed to deposit the aforementioned penalty amount within a period of sixty (60) days from the date of issuance of this order. Failure to comply with this direction shall attract further action in accordance with the provisions of Section 59(2) of the Real Estate (Regulation and Development) Act, 2016.
20. The Bench further directs the office to issue a letter to the I.G. Registration, Bihar for issuing necessary instructions to all

the concerned DSRs / Sub-Registrars concerned to impose a blanket ban on the execution of sale deed of any unit (flat/shop/part thereof) pertaining to the said project “*Vasant Vihar*” by the respondent company and its directors.

21. The Bench further directs the Circle Officer of the concerned Anchal not to mutate any land pertaining to the said project by the respondent company and its directors.
22. The Bench further directs the respondents to remove all the advertisements of the projects mentioned above from all mediums within a fortnight.
23. The Respondent is further directed to strictly desist from any such statutory violations in future and to ensure registration of the project immediately by completing all the requisite formalities in accordance with the provisions of the Act and the Rules framed thereunder.
24. The Office is directed to take all necessary measures to ensure the compliance of the aforementioned directions.

With the above observations and directions, this matter is disposed of.

Sd/-
(**Animesh Pandey**)
Secretary,
RERA, Bihar.